

Exhibit 5

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Paper 52
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

NEONODE SMARTPHONE LLC,
Patent Owner.

IPR2021-01041
Patent 8,095,879 B2

Before KARA L. SZPONDOWSKI, CHRISTOPHER L. OGDEN, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining No Challenged Claims Unpatentable
35 U.S.C. § 318(a)

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I. INTRODUCTION

Petitioner Google LLC (“Google”) filed a Petition (Paper 6, “Pet.”) for *inter partes* review of claims 1–7, 9, 12, 13, and 15–17 of U.S. Patent No. 8,095,879 B2 (Ex. 1001, “the ’879 patent”). Based on the Petition and preliminary filings, the Board instituted trial. (Paper 19). Patent Owner Neonode Smartphone LLC (“Neonode”) then filed a Patent Owner Response under seal (Paper 29, “PO Resp.”; public redacted version as Ex. 2060), Google filed a Reply to the Patent Owner Response (Paper 35, “Pet. Reply”), and Neonode filed a Sur-reply (Paper 44, “PO Sur-reply”).

We held an oral hearing on October 17, 2022, and the transcript is entered on the record. Paper 50 (“Tr.”).

This is a final written decision under 35 U.S.C. § 318(a) as to whether the claims challenged in the *inter partes* review are unpatentable. For the reasons below, we conclude that Google has not shown that any claims of the ’879 patent are unpatentable.

II. BACKGROUND

A. RELATED PROCEEDINGS

The parties identify the following as related matters: *Neonode Smartphone LLC v. Apple Inc.*, No. 6:20-cv-00505 (W.D. Tex. filed June 8, 2020); and *Neonode Smartphone LLC v. Samsung Electronics Co.*, No. 6:20-cv-00507 (W.D. Tex. filed June 8, 2020). Pet. 106; Paper 3, 2.

The Board has issued a previous final written decision addressing the ’879 patent. *See Samsung Electronics Co. v. Neonode Smartphone LLC*, IPR2021-00144, Paper 59 (PTAB Dec. 15, 2022); Pet. 106, Paper 3, 2.

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B. THE '879 PATENT (EX. 1001)

The '879 patent relates to a user interface on a mobile handheld computer device that has a touch-sensitive display screen divided into a menu area and a display area. *See* Ex. 1001, 1:6–9, code (57). The user interface is “specifically adapted to be used with a small computer unit where the size of the touch sensitive area is in the order of 2–3 inches” and the interface can “be operated by one hand.” *Id.* at 3:1–6.

Figure 1 of the '879 patent, reproduced below, illustrates such a user interface:

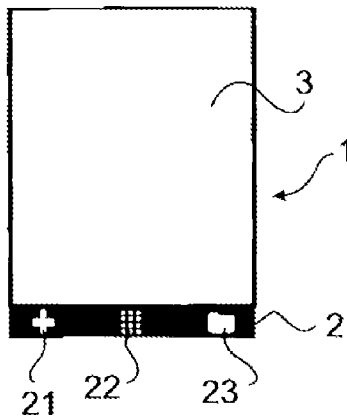


Fig. 1.

Figure 1 depicts touch-sensitive area 1 on a mobile handheld device. Ex. 1001, 3:22–23, 3:51–53. It is divided into menu area 2 and display area 3. *Id.* at 3:53–54. Menu area 2 is a narrow strip along the lower part of touch-sensitive area 1 that contains predefined functions 21 (a general application-dependent function), 22 (a keyboard), and 23 (a task and file manager). *Id.* at 4:1–6; *see also id.* at 2:7–10.

Functions 21, 22, and 23 in menu area 2 “can be activated when the touch sensitive area detects a movement of an object with its starting point within the representation of the function on the menu area and with a

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direction from the menu area to the display area.” Ex. 1001, 1:65–2:5, 2:11–14. This method of activation is shown in Figure 2, reproduced below:

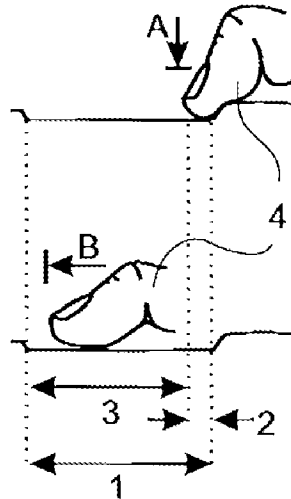
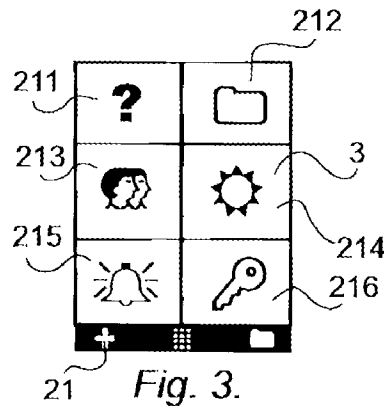


Fig. 2.

Figure 2, above, illustrates a touch gesture by which a user may activate functions 21, 22, or 23 in area 2. *See* Ex. 1001, 3:24–25. This gesture begins when object 4 (a thumb as shown in Figure 2, but it could be any finger, a pen, or another pointing device, *id.* at 6:11–15) touches the display at point A within representation 21, 22, or 23, and moves in direction B away from menu area 2 into display area 3. *Id.* at 4:7–11.

When a user activates the first function, display area 3 displays icons representing services or settings, depending on the current active application. Ex. 1001, 2:18–20. Figure 3, reproduced below, illustrates the touch screen after function 21 has been activated:

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Ex. 1001, 3:26. Figure 3, above, shows that after a user activates function 21 with the gesture as illustrated in Figure 2, display area 3 displays icons 211–216, which each represent services or functions depending on the currently active application. *Id.* at 4:12–15. If, for example, the active application handles a picture, then the icons showing on display area 3 after a user activates the first function can include services such as “save to disk,” “send as SMS,” or “delete,” or settings such as “resolution,” “colour,” or “brightness.” *Id.* at 4:24–28.

Analogously, selecting function 22 activates a keyboard, and selecting function 23 activates a library of available applications and files on the device. Ex. 1001, 4:36–38, 4:63–65, Figs. 5–6. If there is no currently active application, the icons may “represent services or settings of the operations system of the computer unit, such as background picture, clock alarm 215, users 213, help 211, etc.” *Id.* at 4:29–33.

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C. CHALLENGED CLAIMS AND GROUNDS

Claim 1, the only independent claim, is as follows:

1. A non-transitory computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising:

- [a] a touch sensitive area in which a representation of a function is provided,
- [b] wherein the representation consists of only one option for activating the function and
- [c] wherein the function is activated by a multi-step operation comprising (i) an object touching the touch sensitive area at a location where the representation is provided and then (ii) the object gliding along the touch sensitive area away from the touched location,
- [d] wherein the representation of the function is not relocated or duplicated during the gliding.

Ex. 1001, 6:45–59 (Google’s reference letters added).

Google argues six grounds for *inter partes* review, as shown in the following table:

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Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1–5, 13, 15–17	103(a) ¹	Robertson, ² Maddalozzo ³
6, 7, 9	103(a)	Robertson, Maddalozzo, Vayda ⁴
12	103(a)	Robertson, Maddalozzo, Bedford-Roberts ⁵
1, 4–6, 13, 15–17	103(a)	Tarpenning ⁶
2, 3, 7, 9	103(a)	Tarpenning, Vayda
12	103(a)	Tarpenning, Bedford-Roberts

Pet. 1–2.

D. DECLARATORY TESTIMONY

Google submits two declarations of Dr. Jacob O. Wobbrock as expert testimony. Exs. 1003, 1032; *see also* Ex. 1004 (curriculum vitae). Google also relies on a declarations of Rachel J. Watters (Ex. 1018) and Kelley M. Hayes Greenhill (Ex. 1019) as to Robertson’s public availability.

Neonode submits a declaration of Dr. Craig Rosenberg. Ex. 2019; *see also* Ex. 2002 (curriculum vitae). Neonode also submits declarations of

¹ 35 U.S.C. § 103(a) (2006), *amended by* Leahy–Smith America Invents Act, Pub. L. No. 112-29 § 103, sec. (n)(1), 125 Stat. 284, 287, 293 (2011) (effective Mar. 16, 2013). The ’879 patent issued from an application filed on December 10, 2002, which is before the effective date of this amendment to section 103. *See* Ex. 1001, code (22).

² George G. Robertson et al., *Buttons as First Class Objects on an X Desktop*, UIST: Proceedings of the ACM Symposium on User Interface Software and Technology: Hilton Head, South Carolina, USA, 35–44 (Nov. 11–13, 1991) (Ex. 1005).

³ Maddalozzo et al., US 7,768,501 B1, issued Aug. 3, 2010 (Ex. 1006).

⁴ Vayda et al., US 5,745,717, issued Apr. 28, 1998 (Ex. 1007).

⁵ Bedford-Roberts, US 5,870,092, issued Feb. 9, 1999 (Ex. 1008).

⁶ Tarpenning et al., US 6,181,344 B1, issued Jan. 30, 2001 (Ex. 1009).

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Joseph Shain (Ex. 2008), Ulf Mårtensson (Ex. 2054), Per Bystedt (Ex. 2055 under seal; public redacted copy as Ex. 2061), and Marcus Bäcklund (Ex. 2056) relating to alleged objective indicia of non-obviousness and the early development of touch-screen phones that, according to Neonode, embody the challenged claims.

III. GROUNDS OF THE PETITION

For the reasons below, we determine that Google has not shown, by a preponderance of the evidence, that claims 1–7, 9, 12, 13, and 15–17 of the ’879 patent are unpatentable under the grounds of the Petition. Before analyzing these grounds in detail, we address two matters that will underlie our analysis: the level of ordinary skill in the art and the construction we will apply to the claim terms.

A. LEVEL OF ORDINARY SKILL IN THE ART

The level of ordinary skill in the pertinent art at the time of the invention is a factor in how we construe patent claims. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (en banc). It is also one of the factors we consider when determining whether a patent claim would have been obvious over the prior art. *See Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

To assess the level of ordinary skill, we construct a hypothetical “person of ordinary skill in the art,” from whose vantage point we assess obviousness and claim interpretation. *See In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998). This legal construct “presumes that all prior art references

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in the field of the invention are available to this hypothetical skilled artisan.”
Id. (citing *In re Carlson*, 983 F.2d 1032, 1038 (Fed. Cir. 1993)).

For Google, Dr. Wobbrock testifies that a person of ordinary skill in the art at the time of the invention, would have had “at least a bachelor’s degree in Computer Science, Human-Computer Interaction, Symbolic Systems, or related engineering disciplines, and at least two years of experience designing and programming graphical user interfaces,” but that “[r]elevant work experience can substitute for formal education and advanced degree studies could substitute for work experience.” Ex. 1003 ¶ 49.

Testifying for Neonode, Dr. Rosenberg states that for his declaration, he “will apply the same definition of the level of skill of a [person of ordinary skill in the art]” as Dr. Wobbrock. Ex. 2019 ¶ 27.

We find Dr. Wobbrock’s uncontested articulation to be reasonable in light of the subject matter involved in the ’879 patent and the asserted prior art. *See, e.g.*, Ex. 1001, 1:49–61 (stating that the ’879 patent addresses technical problems including “to provide a user-friendly interface . . . on a small handheld computer unit”). Thus, we adopt it for our decision.

B. CLAIM CONSTRUCTION

In an *inter partes* review, we construe a patent claim “using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. 282(b).” 37 C.F.R. § 42.100(b) (2020). This generally includes “construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.” *Id.* The ordinary

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and customary meaning of a claim term “is its meaning to the ordinary artisan after reading the entire patent,” and “as of the effective filing date of the patent application.” *Phillips*, 415 F.3d at 1313, 1321. There are only two circumstances in which a construction departs from the ordinary and customary meaning: “1) when a patentee sets out a definition and acts as [their] own lexicographer, or 2) when the patentee disavows the full scope of a claim term either in the specification or during prosecution.” *Thorner v. Sony Comput. Entm’t Am. LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012). Any such special meaning of a term “must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention.” *Multi-form Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477 (Fed. Cir. 1998).

To construe the claim terms, “we look principally to the intrinsic evidence of record, examining the claim language itself, the written description, and the prosecution history, if in evidence.” *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 469 F.3d 1005, 1014 (Fed. Cir. 2006).

Google does not propose any explicit claim constructions in its Petition. *See* Pet. 4. Neonode does not propose any explicit constructions either, but in its Response, Neonode raises a number of claim construction arguments regarding the term *gliding . . . away* as it appears in limitation 1c, to which Google responds in its Reply. *See* PO Resp. 31–50, 66–69; Pet. Reply 7–12, 19–21; *see also* PO Sur-reply 1–10, 19–21. We do not need to construe this term explicitly for our decision, and to the extent we need to interpret this or any other terms, we address the terms below in the context of the prior art. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (“[W]e need only construe terms

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‘that are in controversy, and only to the extent necessary to resolve the controversy’” (quoting *Vivid Techs., Inc. v. Am. Sci & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

C. GROUNDS BASED ON ROBERTSON

In the first ground of the Petition, Google argues that claims 1–5, 13, and 15–17 are unpatentable under 35 U.S.C. § 103(a) as obvious over Robertson in view of Maddalozzo. Pet. 5–64. For this ground, we focus on Google’s challenge to sole independent claim 1 and particularly limitation 1c (Pet. 25–29), after which we address the remaining claims and the remaining grounds.

A claim is unpatentable under § 103(a) for obviousness if the differences between the claimed subject matter and the prior art are “such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). When a ground in a petition is based on a combination of references, we consider “whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *Id.* at 418 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

We base our obviousness inquiry on factual considerations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, (3) the level of skill in the art, and (4) any objective indicia of obviousness or non-obviousness that may be in evidence. *See Graham*, 383 U.S. at 17–18.

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Considering these factors, we determine for the reasons below that Google has not shown, by a preponderance of the evidence, that claim 1 is unpatentable under 35 U.S.C. § 103(a) as obvious over Robertson in view of Maddalozzo.

1. *Overview of Robertson (Ex. 1005)*

Robertson describes a high-level user interface toolkit, called “XButtons,” which supports on-screen buttons as first-class objects on an X Window system desktop. Ex. 1005, 35. According to Robertson, XButtons typically appear as small rectangular screen objects, usually have some text that indicates what their action is, and may include a field for editable text. *Id.* at 38. A group of XButtons is shown in Figure 1, which we reproduce below.

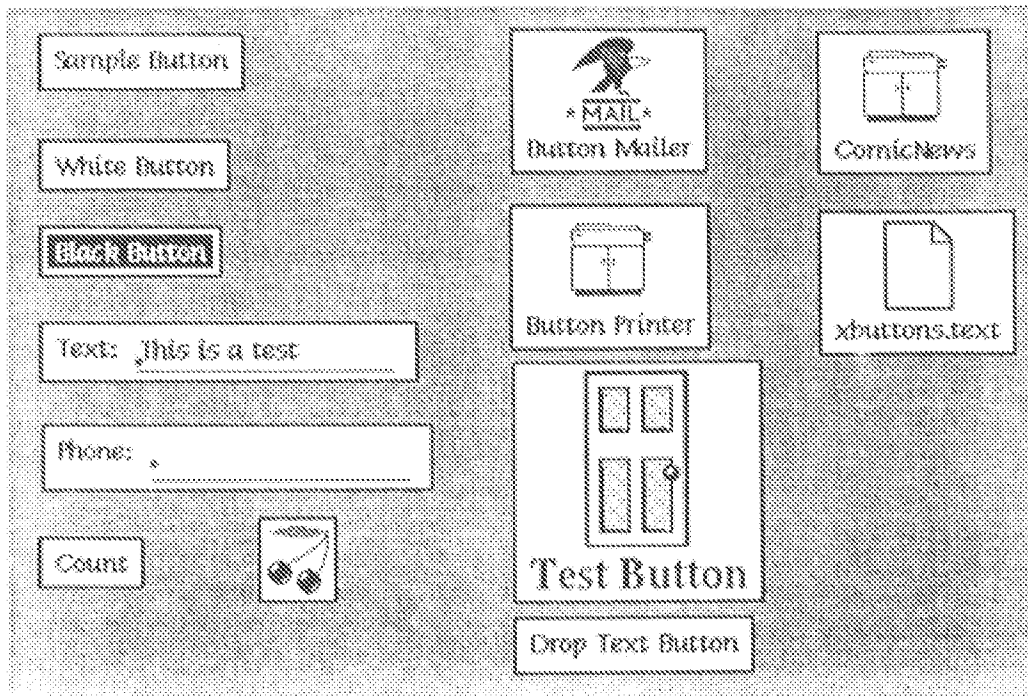


Figure 1: Sample Set of XButtons.

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Figure 1, above, illustrates a sample set of XButtons including one for a “Phone” function. Ex. 1005, 38–39. XButtons can have multiple associated actions, each selected by simple mouse or pen gestures such as “flick left,” “flick right,” “flick up,” “flick down,” “click,” “rubout,” “check,” or “insert.” *Id.* at 39. For example, “[t]he ‘Phone’ button will let you type the name of someone, then pop up a window with their phone number (by clicking) or dial the number (with the flick right gesture).” *Id.*

“If the user is unfamiliar with the action of a particular button, a menu can be popped up to reveal which gestures are supported (and what they do),” using a particular gesture. Ex. 1005, 39. The menu associated with the “Phone” XButton is shown in Figure 2, which we reproduce below.

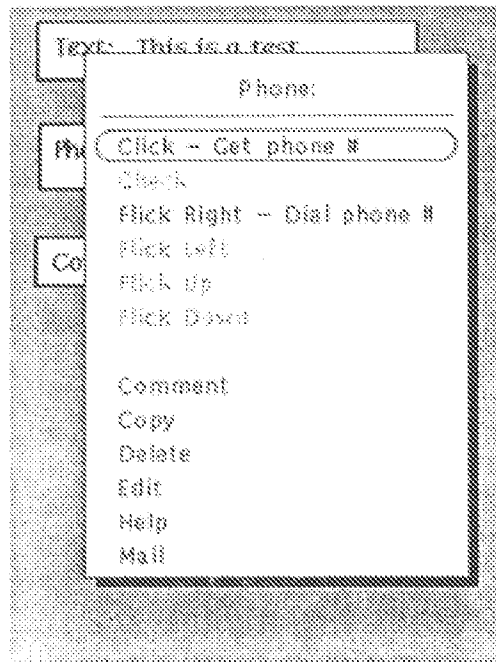


Figure 2: Sample Button Menu.

Figure 2, above, illustrates a sample menu for an XButton. Ex. 1005, 39–40. The menu shows all potential user manipulations of the XButton; for

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example, it shows that the “Click” gesture is associated with “Get phone #” and the “Flick Right” gesture is associated with “Dial phone #.” *Id.*

XButtons may also have associated with them a button editor, as shown in Figure 3, which we reproduce below.

Figure 3: Structured Button Editor.

Figure 3 shows a button editor for the “Phone” XButton whose menu is shown in Figure 2. Ex. 1005, 40–41. The button editor is a structured property-sheet editor designed specifically for editing an XButton. *Id.* at 40. The editor fields at the top specify the appearance of the button. *Id.* The

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middle of the editor specifies the action language, the various actions, and the text to appear in the menu for each action. *Id.* Toward the bottom of the editor are fields (“Attribute” and “Value”) that allow the user to view and replace user-defined properties. *Id.*

2. *Limitation 1c*

Because we find that Google has not shown that the combination of Robertson and Maddalozzo teaches or suggests limitation 1c, we need only address that limitation in our decision. Moreover, because Google relies only on Robertson for limitation 1c, we need not address Google’s arguments concerning Maddalozzo. *See* Pet. 25–29 (not referring to Maddalozzo in the context of limitation 1c).⁷

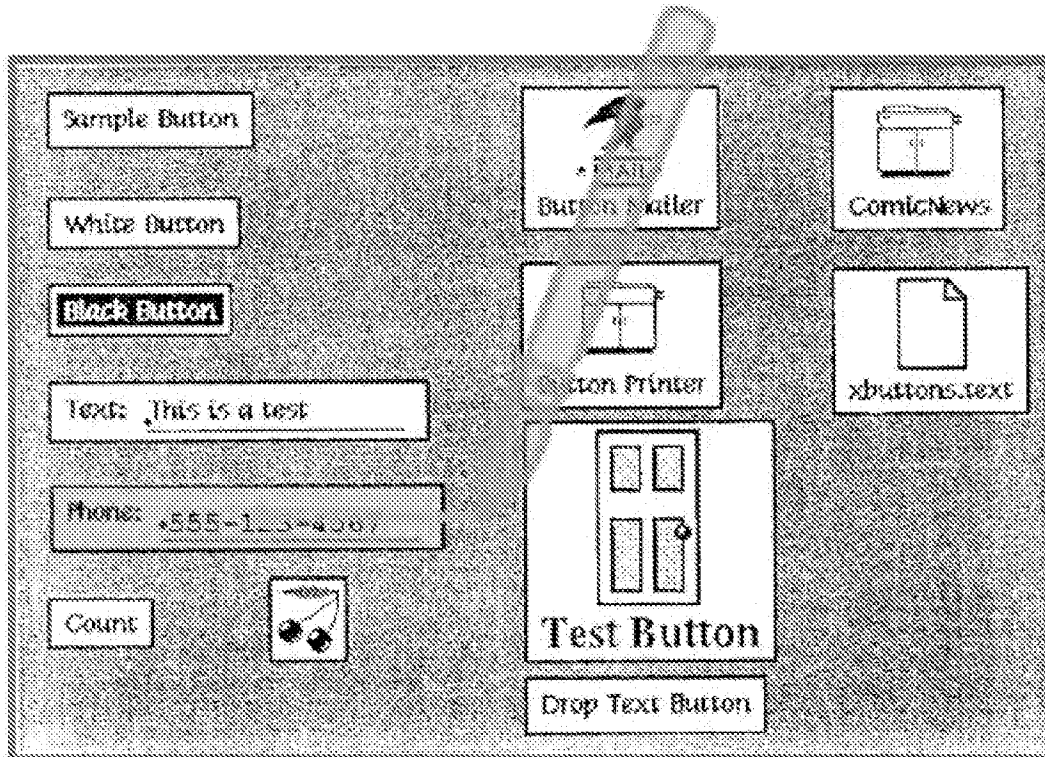
Limitation 1c recites “wherein the function is activated by a multi-step operation comprising (i) an object touching the touch sensitive area at a location where the representation is provided and then (ii) the object gliding along the touch sensitive area away from the touched location.” Ex. 1001, 6:52–57. An example of this operation is the gesture illustrated in Figure 2 of the ’879 patent, which we discuss above. *See supra* Section II.B.

Google contends that Robertson discloses this recited multi-step operation by disclosing that a user can activate a “dialphone” function to call a phone number by “placing a pen on the phone button, then sliding the pen to the right along the touch-sensitive interface to perform a ‘flick right’ gesture.” Pet. 25 (citing Ex. 1005, 38–39; Ex. 1003 ¶ 107). Google contends

⁷ For claim 1, Google relies on Maddalozzo solely for teaching the preamble. *See* Pet. 12–19.

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that, according to Robertson, “gesture[s] must start in an XButton,’ but ‘can move outside the XButton’ while performed.” *Id.* (alteration in original) (quoting Ex. 1005, 43) (citing Ex. 1005, 39; Ex. 1003 ¶ 106). Thus, Google depicts this operation with an annotated version of Robertson’s Figure 1, which we reproduce below:

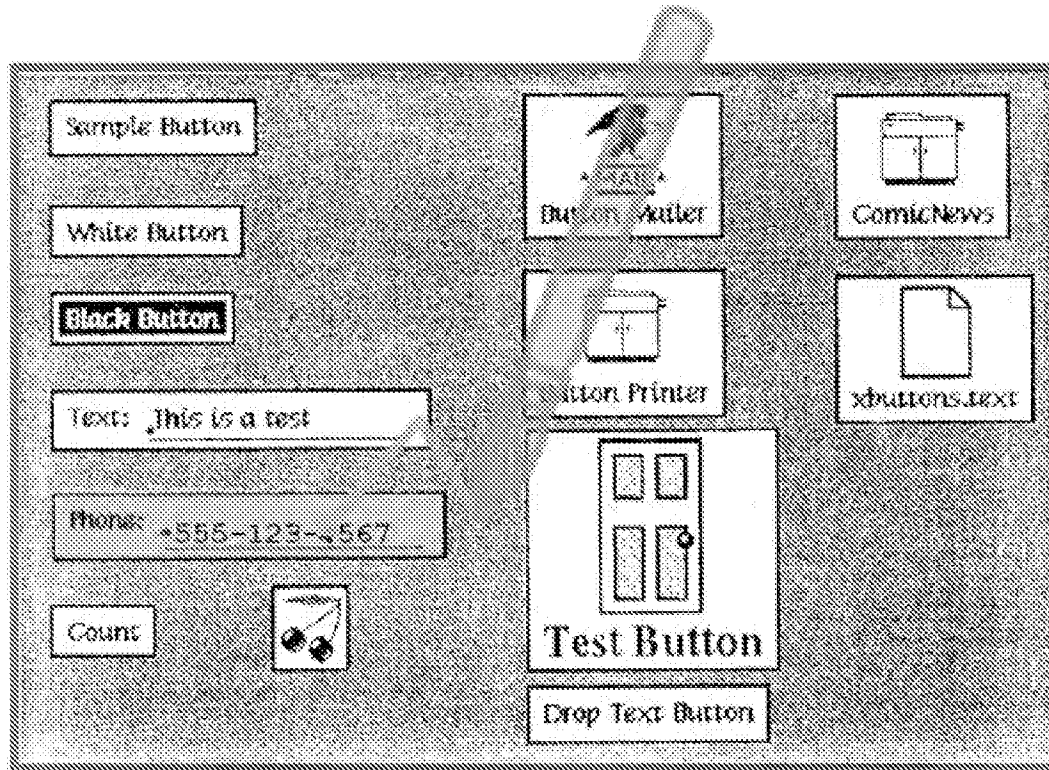


Pet. 26. In the above figure, Google annotates Robertson’s Figure 1 by highlighting the “Phone” XButton (in which has been entered a particular phone number) in blue and showing an orange pen and a path it would allegedly make starting on the phone number and ending outside the XButton. *See* Pet. 25–26.

Alternatively, Google contends that Robertson discloses activating an “xbedit” function to open the “Phone” button’s button editor by “touching a pen (or finger) to the phone button, then sliding the pen away from the initial touched location in the shape of a caret to perform an ‘Insert gesture.’”

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Pet. 26–27 (citing Ex. 1005, 39–40; Ex. 1003 ¶ 108). Google depicts this operation with another annotated version of Robertson’s Figure 1, which we reproduce below:



Pet. 27. Shown above is Robertson’s Figure 1 that Google has annotated to highlight the “Phone” XButton (in which has been entered a particular phone number) in blue and showing an orange pen and a path it would allegedly make starting on the phone number, moving diagonally upward and to the right outside the XButton, and then moving diagonally downward and to the right. *See id.*

In its Response, Neonode contends that Google has failed to support its contention that Robertson’s “flick-right” and “insert” gestures reflect the stylus performing an operation that comprises “gliding . . . away.” *See* PO Resp. 31. First, Neonode contends that based on the prosecution history and

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extrinsic evidence, the term *gliding* means more than simply any movement along the touch sensitive area. *See id.* 32–35.

In particular, Neonode notes that during prosecution of the ’879 patent, the original language describing the gesture in limitation 1c was “*moving in a direction from a starting point that is the representation [of a function] . . . to said display area.*” PO Resp. 33 (alterations in original) (quoting Ex. 1002, 201). Neonode argues that, after the Examiner rejected claims with the above language, “[i]n further prosecution and in explaining the gesture the Applicant sought to claim,” the applicant encouraged the Examiner to watch a video (Ex. 2020) demonstrating the gesture on Neonode’s N2 mobile device. *Id.* (citing Ex. 1002, 214–15). Neonode contends that this video depicts a gesture that is “similar to what today’s systems refer to as a ‘swipe’ gesture, where, e.g., the thumb is placed on a representation of a function (menu item with an arrow) and through a swiping motion, the menu screen opens.” *Id.* at 32–34 (citing Ex. 2020, time codes 00:26–00:27).

Then, according to Neonode, “[i]n the subsequent office action, the Examiner acknowledged the ‘swiping’ gesture of the claims, but recognized that the then drafted claims[] simply required ‘moving’ the object, and were thus too broad to limit the claims to a swipe/glide gesture.” PO Resp. 34 (citing Ex. 1002, 258 (“[T]he Examiner feels that the limitations, as claimed, . . . are still too broad to suggest without research what was shown in the video demonstration.”)). Then, Neonode argues that after an examiner interview “to properly claim the present invention,” the applicant amended the claim to its current form, “*gliding along the touch sensitive area away from the location.*” *Id.* (quoting Ex. 1002, 334; then quoting *id.* at 317–18).

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Thus, Neonode contends that a person of ordinary skill in the art would have understood from the prosecution history that the word *gliding* as recited in limitation 1c carries a more specific meaning than mere movement. PO Resp. 35 (citing *Ajinomoto Co. v. ITC*, 932 F.3d 1342, 1351 (Fed. Cir. 2019)).

Next, Neonode argues that Google has failed to show that a person of ordinary skill in the art would have understood Robertson’s “flick” gesture to comprise “gliding.” PO Resp. 35. Neonode first points to dictionary definitions in which the word *flick* denotes a sharp or jerky motion, whereas the word *glide* denotes a smooth, continuous motion. *Id.* at 35–38 (citing Exs. 2049, 2052, 2050, 2057; Ex. 2019 ¶¶ 78–79). Neonode also points to more recent developer guidelines to show that leading smart phone developers Apple and Google have distinguished between “flick” and “swipe” gestures. *Id.* at 39–40 (citing Ex. 2022, 4; Ex. 2023, 6; Ex. 2029, 2; Ex. 2019 ¶¶ 80–81). According to Dr. Rosenberg, in Google’s Android operating system, a “flick” gesture simulates a fast spinning motion, and in later Android releases, the gesture “creates a momentum effect where the scroller initially moves at a given velocity, and gradually slows down,” whereas “a ‘swipe’ gesture is used to close an application.” Ex. 2019 ¶¶ 82–83 (citing Ex. 2025, 21; Ex. 2026, 5; Ex. 2027, 8 (calling the gesture “fling”); Ex. 2028, 1).

Neonode argues that the difference between “glide” (“swipe”) and “flick” gestures is analogous to the difference between “walking and running,” which are distinct movements. PO Resp. 41 (citing Ex. 2019 ¶ 84). In the context of operating a touchscreen with a pen on a 1991 desktop (allegedly consistent with how the term is used today), Dr. Rosenberg

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testifies that “[i]n a flick gesture, the pen would touch the screen, but only moves on the screen for a very short distance and is quickly lifted from the screen in a ‘jerky’ motion.” Ex. 2019 ¶¶ 85–86.

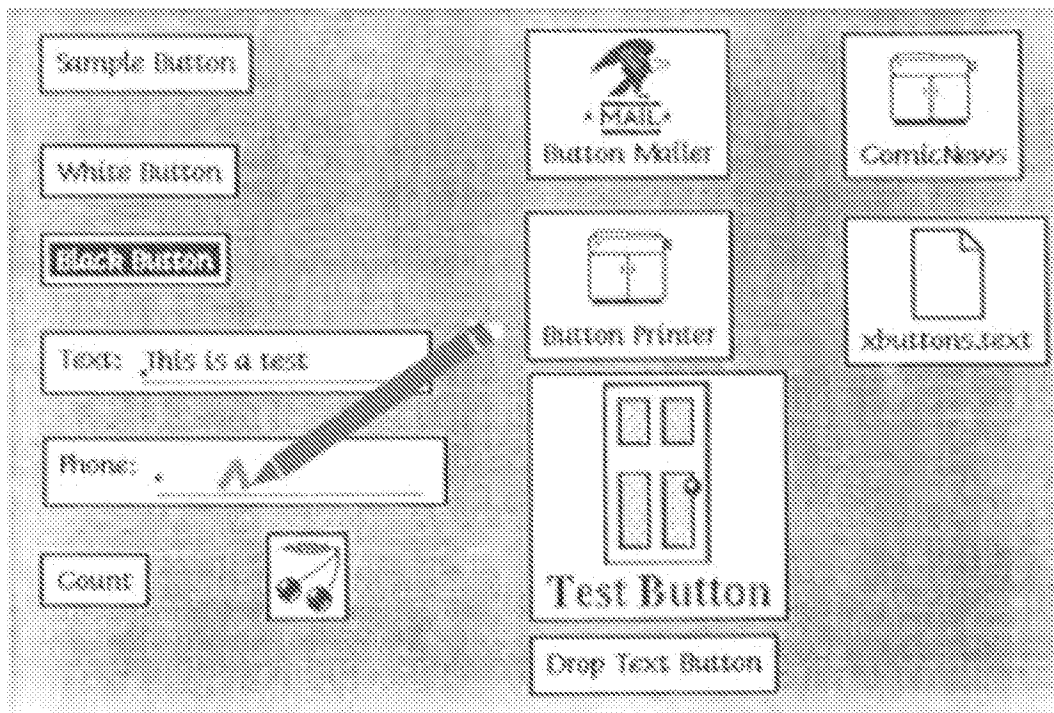
Thus, Neonode disagrees with how Google depicts a “flick right” gesture in its annotated version of Robertson’s Figure 1, reproduced above. PO Resp. 42. According to Neonode, neither Google nor Dr. Wobbrock have explained why the gesture would have been a several-inches-long continuous movement, as depicted, which does not reflect the plain meaning of *flick* as a “short, jerky motion.” *Id.* at 42–43. Although Neonode acknowledges that Robertson’s system is capable, in general, of recognizing gestures that begin within an XButton and extend outside of it, Neonode disagrees that this would necessarily be the case for the “flick right” gesture, unless the gesture began close to the edge of the XButton. *Id.* at 43–44 (citing Ex. 2019 ¶ 89).

Dr. Rosenberg also states that Robertson “discloses that a drag-and-drop operation can be performed on its XButtons,” so “[i]f Robertson’s ‘flick’ was really a glide,” then if the user performed a gesture as depicted in Google’s annotated version of Figure 1, “Robertson’s system would not know whether the movement of a mouse/pen was a drag-and-drop operation or a glide gesture.” Ex. 2019 ¶ 90 (citing Ex. 1005, 39, 40, 42). On the other hand, “a ‘flick’ gesture is readily recognizable due to its higher speed and shorter distance—which, as Robertson indicates, is not intended to (even if it ‘can’) go outside of the XButton itself.” *Id.*

Neonode also disputes that a person of ordinary skill in the art would have interpreted Robertson’s “insert” gesture—which Robertson describes as “like an editor’s caret”—to comprise a “gliding . . . away” movement.

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PO Resp. 45 (quoting Ex. 1005, 40). According to Neonode, “[a]n editor’s caret—‘^’—has a sharp angle and is usually smaller than the text.” *Id.* at 47–48 (citing Ex. 2019 ¶ 99). According to Dr. Rosenberg, forming this gesture would involve “two jerky movements connected together,” or “drawing a first sharp, short line, and then sharply changing direction and drawing a second sharp, short line.” Ex. 2019 ¶ 100. Thus, Neonode disagrees with Google’s depiction of two large lines that extend outside the XButton and even over neighboring XButtons. PO Resp. 49–50 (citing Ex. 2019 ¶¶ 101–102). Rather, according to Dr. Rosenberg, Robertson’s “insert” gesture would more closely resemble the depiction shown in Neonode’s own annotated version of Figure 1, which we reproduce below:



Ex. 2019 ¶ 102. Neonode’s annotated version of Robertson’s Figure 1 depicts an orange caret roughly on the same scale as the text that would appear in the “Phone” XButton, and a pen “with the correct approximate

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scale of the size of the pen compared to a typical desktop of 1991.” PO Resp. 49 (citing Ex. 2019 ¶¶ 101–102).

In its Reply, Google contends that we should decline to construe *gliding . . . away* as Neonode contends because doing so would render claim 1 unpatentable for lack of written description, because the original disclosure of the ’879 patent only described general movements, not specifically a gliding gesture. Pet. Reply 7–8 (citing *Ruckus Wireless, Inc. v. Innovative Wireless Sols., LLC*, 824 F.3d 999, 1004 (Fed. Cir. 2016); *Novozymes A/S v. DuPont Nutrition Biosciences APS*, 723 F.3d 1336, 1346 (Fed. Cir. 2013); *D Three Enters., LLC v. SunModo Corp.*, 890 F.3d 1042, 1050–51 (Fed. Cir. 2018)).

Neonode counters in its Sur-reply that the “gliding . . . away” language in limitation 1c finds support in Figure 2 of the original disclosure leading to the ’879 patent, which depicts a gliding motion and not a flick. PO Sur-reply 7–8 (citing *Blue Calypso, LLC v. Groupon, Inc.*, 815 F.3d 1331, 1346 (Fed. Cir. 2016)). But in any event, Neonode argues that construing terms to preserve validity is only “a last resort if the claim is ‘still ambiguous’ after ‘applying all the available tools of claim construction.’” *Id.* at 7 (quoting *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 911 (Fed. Cir. 2004)). Neonode contends that this is not the case here, because “the prosecution history clearly and unambiguously informs a [person of ordinary skill in the art] that the claimed ‘gliding . . . away’ is distinct from ‘moving-from-to.’” *Id.*

Next, Google contends that on cross-examination, Dr. Rosenberg could not delineate the boundary between a “flick” and a “glide,” and admitted that “both flick and glide gestures start at a touched location and

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move away from the touched location while continuing to touch the screen” and “that the distinction is arbitrary.” Pet. Reply 8, 9–10, 11 (citing Ex. 1031, 27:15–29:6, 31:15–32:12, 34:24–35:17; Ex. 1001, 2:61–67, 5:33–35). Google also argues that “Neonode’s citations to general-purpose dictionaries [or development guides] are unavailing because they are either after-arising or improperly contradict the intrinsic record, which describes only ‘movement’ without regard to speed or distance.” *Id.* at 10 (footnote omitted) (citing *Eon Corp. IP Holdings v. Silver Spring Networks, Inc.*, 815 F.3d 1314, 1320–21 (Fed. Cir. 2016); *Profectus Tech. LLC v. Huawei Techs. Co.*, 823 F.3d 1375, 1380 (Fed. Cir. 2016); *Seabed Geosolutions (US) Inc. v. Magseis FF LLC*, 8 F.4th 1285, 1287 (Fed. Cir. 2021)).

Neonode disagrees that Dr. Rosenberg admitted that the distinction between “flick” and “glide” is arbitrary; according to Neonode, he merely testified “that ‘one number’ would not suffice to distinguish between a ‘flick’ and a ‘glide’ since it would depend on various factors such as screen size, resolution of the screen, [and] whether a stylus or finger is used.” PO Sur-reply 3 (citing Ex. 1031, 28:16–29:6). Neonode contends that this does not make the distinction arbitrary, and that Google has been able to distinguish between “flick” and “swipe” gestures in its own documentation for the Android operating system. *Id.* (citing PO Resp. 40–41).

Neonode also contends that Google’s arguments in its Reply that Robertson’s “flick” falls within the scope of the recited “gliding . . . away” gesture are conclusory and untethered to any further testimony, including by Dr. Wobbrock. PO Sur-reply 1–2. And according to Neonode, while Google criticizes Neonode’s dictionary definitions, Google provides none of its own. *Id.* at 2. Neonode disagrees that its dictionary evidence is irrelevant because

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it is “after-arising,” because Neonode provides dictionary definitions from the early 1990s as well as later definitions to show consistency over time. *Id.* (citing Exs. 2049, 2052, 2050, 2057). As to the Apple and Google development guides, Neonode acknowledges that they are from after 2002, the earliest priority date of the ’879 patent, but contends that Google “presents no evidence for the insinuation that these terms were used differently in 2002.” *Id.* at 3.

Next, Google contends that (1) during prosecution, the applicant “never distinguished ‘gliding’ from other gestures or movement generally, and in fact equated other gestures with a glide,” and “[t]he examiner also continued to search ‘flick’ as relevant after the amendment,” Pet. Reply 8 (citing Ex. 1002, 381, 482, 496–497, 585); and (2) “Neonode’s citation [during prosecution] to its after-arising N2 advertisement . . . is not relevant because it was used to distinguish ‘the representation of the function is not relocated or duplicated during the gliding’ limitation [1d], not between ‘gliding’ and another movement type,” *id.* at 8–9 (citing Ex. 1002, 258, 611–612).

Neonode disagrees that the applicant never distinguished “gliding” from other gestures, because that is what was happening when the applicant amended the claims from the original language describing the gesture as “moving” from one point to another. PO Sur-reply 4. Neonode also disagrees that the applicant equated a “glide” with a distinct “drag” operation (or that this is relevant to the distinction between “glide” and “flick”), because in the cited passages of the prosecution history, the applicant was clearly distinguishing between what it described as its “[n]ovel touch-and-glide user interface operation” and a “conventional . . . drag-and-drop” operation in a

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prior art reference. *Id.* at 4–5 (quoting Ex. 1002, 297) (citing Ex. 1002, 496–498). Neonode also contends that the applicant compared “gliding” to “swiping,” “rubbing,” or “sliding,” but never to a “flick” or a “drag.” *Id.* at 5 (citing Ex. 1002, 273 (“I would like to discuss the touch-and-glide thumb movement, variously referred to as ‘swiping,’ ‘rubbing,’ gliding’ and ‘sliding.’”), 390 (“One such movement is a ‘rubbing’/‘swiping’/‘touch-and-glide’ movement, whereby a finger touches a touch-sensitive screen at a location where an icon for a function is displayed, and then rubs/swipes/glides, along the touch screen away from the location without lifting the finger.”)).

Neonode also disagrees that the applicant referred the Examiner to the N2 video to distinguish limitation 1d rather than 1c. PO Sur-reply 5–6. According to Neonode, “[t]he Applicant did not make any arguments regarding ‘duplication or relocation’ of the representation of the function in connection with the video demonstration, and this language was not added to the claim until later.” *Id.* at 6.

Finally, Google contends that “Robertson discloses that the ‘flick’ gesture starts by touching inside a button and moving away from the touched location, as described in the ’879 patent,” and “does not place any boundary on the speed or duration of its gestures.” Pet. Reply 10–11 (citing Ex. 1003 ¶¶ 105–110; Ex. 1005, 43 (teaching that Robertson’s system can recognize gestures that extend outside an XButton)); *see also id.* at 11 (arguing that the size of a gesture is irrelevant “because neither Robertson nor the ’879 patent is size-constrained”).

Having considered the arguments and evidence of record, we determine that Petitioner has not met its burden to show that Robertson’s

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“flick” gestures comprise “gliding along the touch sensitive area away from the touched location” as recited in limitation 1c.

Because Google has the burden of persuasion, Neonode has no obligation to precisely define the term *gliding . . . away* or explain how the term differs from the term *flick* in Robertson. *See* 37 C.F.R. § 42.104(b)(3) (2020); 35 U.S.C. § 316(e). Nevertheless, we agree with Neonode that during prosecution of the ’879 patent, the applicant clearly intended the claims as a whole, and particularly limitation 1c, to cover what is known today as a “swipe” gesture, particularly but not exclusively as distinguished from a prior-art drag-and-drop operation. *See* Ex. 1002, 201, 214–15, 258, 273, 297, 317–18, 334, 390, 496–97; Ex. 2020. In particular, it appears from the record that when the Examiner was considering the submitted video of Neonode’s N2 phone, the main issue was how to capture the swiping gestures shown in the video while distinguishing from drag-and-drop operations known in the prior art. *See* Ex. 1002, 258. Thus, we agree with Neonode that a person of ordinary skill in the art would have interpreted the phrase *gliding . . . away* to reflect a swiping gesture that is more specific than merely an on-screen movement from one location to another.

We disagree with Google that we should factor any potential lack of written-description support into our interpretation of *gliding . . . away*. To the extent there is any ambiguity in the term,⁸ it does not rise to the level that

⁸ The evidence suggests that the distinction between a “flick” and a “glide” may involve a number of considerations such as the size of the screen and whether the pointing object is a finger or stylus. Ex. 1031, 27:15–29:6. This does not mean that a person of ordinary skill in the art, applying those considerations, would have been unable to distinguish between a “flick” and

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“the term or terms chosen by the patentee so deprive the claim of clarity that there is no means by which the scope of the claim may be ascertained from the language used.” *Johnson Worldwide Assocs., Inc. v. Zebco Corp.*, 175 F.3d 985, 990 (Fed. Cir. 1999); *see also Liebel-Flarsheim*, 358 F.3d at 911 (“[U]nless the court concludes, after applying all the available tools of claim construction, that the claim is still ambiguous, the axiom regarding the construction to preserve the validity of the claim does not apply.”).

The next question is whether a person of ordinary skill in the art would have understood Robertson’s “flick” gesture to comprise “gliding . . . away” as we interpret that term. Robertson says very little about the “flick” gestures themselves, other than using the word *flick*. *See, e.g.*, Ex. 1005, 39. Robertson teaches that its gestures should be “easily differentiated,” and in addition to “flick” gestures, Robertson also teaches “drag and drop” operations. *Id.* at 36 (“[Y]ou can drag a document icon and drop it into a printer icon to print the document . . .”). We credit Dr. Rosenberg’s testimony that, for the XButton system to immediately distinguish between dragging and flicking, there must be some distinction between a “flick” and a “drag,” and that the most plausible difference is in terms of their speed, distance, or both. *See* Ex. 2019 ¶ 90.

Although Robertson discloses that its system is capable of recognizing gestures that start on an XButton and extend outside it (*see* Ex. 1005, 43),

a “glide” or that the distinction is arbitrary. *Cf. Braintree Labs., Inc. v. Novel Labs., Inc.*, 749 F.3d 1349, 1360 (Fed. Cir. 2014) (“Descriptive words . . . are commonly used in patent claims, to ‘avoid[] a strict numerical boundary to the specified parameter.’” (alteration in original) (quoting *Pall Corp. v. Micron Separations, Inc.*, 66 F.3d 1211, 1217 (Fed. Cir. 1995)))

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the only gesture for which Robertson specifically indicates this would be necessary is a “circling gesture[] for grouping, moving, and copying graphical objects” (*id.* at 39). Thus, we disagree with Google that Robertson’s teaching in this regard is relevant to what Robertson means by a “flick” gesture.

We also find persuasive Neocode’s dictionary definitions, spanning from 1993 to 2012, which consistently indicate that the word *flick* describes a movement that is “light,” “sharp” or “quick,” and “jerky” or “sudden,” as opposed to definitions of “glide” referring to a movement that is “smooth,” “continuous,” and possibly “quiet” or “effortless.” Exs. 2049, 2050, 2052, 2057.⁹ And although the evidence postdates Robertson, we find relevant the supporting evidence that modern Apple and Google developers maintain a meaningful distinction between “flick” and “swipe” gestures. *See* Ex. 2022, 4; Ex. 2023, 6; Ex. 2025, 21; Ex. 2026, 5; Ex. 2029, 2; Ex. 2019 ¶¶ 80–81. We further credit Dr. Rosenberg’s opinion that in the relevant time frame, a person of ordinary skill in the art would have interpreted a “flick” gesture as one in which “the pen would touch the screen, but only moves on the screen for a very short distance and is quickly lifted from the screen in a ‘jerky’ motion.” Ex. 2019 ¶¶ 85–86.

⁹ The earliest dictionary definitions (Ex. 2052) are from 1993, which is roughly contemporary with Robertson (1991), and are sufficiently close in time to be relevant. Google does not present any evidence suggesting that the meaning of *flick* had changed between 1991 and 1993. *See* PO Sur-reply 2.

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Thus, we agree with Neonode that Google has not shown that Robertson’s “flick” gesture comprises “gliding . . . away,” and thus falls within the scope of claim 1.

Finally, we also agree with Neonode that Google has not established that Robertson’s “insert” (caret) gesture comprises “gliding . . . away.” Although Robertson does not provide much information about this gesture, we find Dr. Rosenberg’s interpretation and annotated version of Figure 1 (Ex. 2019 ¶¶ 99–102) more credible than those of Dr. Wobbrock (Ex. 1003 ¶ 108). We credit Dr. Rosenberg’s testimony that a person of ordinary skill in the art would have understood the “insert” gesture to be similar to the way a person would draw a caret to indicate an insertion within existing text. *See* Ex. 2019 ¶ 99. Thus, we agree it would involve two brief, connected movements with a sharp peak, neither of which would be a continuous gliding or swiping motion. *Id.* ¶¶ 100–102.

3. *Conclusion as to Claim 1*

For the above reasons, we determine that Google has not established that Robertson teaches or suggests limitation 1c, either alone or in combination with Maddalozzo. Thus, Google has not shown that claim 1 is unpatentable under § 103(a) as obvious over Robertson in view of Maddalozzo.

4. *Dependent Claims 2–7, 9, 12, 13, and 15–17*

As part of its first ground, Google argues that dependent claims 2–5, 13, and 15–17 are unpatentable under 35 U.S.C. § 103(a) as obvious over Robertson in view of Maddalozzo. Pet. 30–47. In its second ground, Google challenges dependent claims 6–7 and 9 as obvious over Robertson in view of

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Vayda. Pet. 47–61. In its third ground, Google challenges claim 12 as obvious over Robertson in view of Bedford-Roberts. Pet. 61–64.

These claims depend from claim 1, and Google’s arguments regarding those claims address the specific limitations added to claim 1 without specifically revisiting the issues we discuss above as to limitation 1c. *See* Pet. 30–64. Google does not further address the dependent claims in its Reply. *See* Pet. Reply 23.

Thus, the above considerations as to claim 1 are also applicable to the challenged dependent claims, and we determine that Google has not shown, by a preponderance of the evidence, that any of claims 2–7, 9, 12, 13, and 15–17 are unpatentable under § 103(a) as obvious over the respective prior art combinations.

D. GROUNDS BASED ON TARPENNING

In the fourth ground of the Petition, Google argues that claims 1, 4–6, 13, and 15–17 are unpatentable under 35 U.S.C. § 103(a) as obvious over Tarpenning. Pet. 65–97. For this ground, we focus on Google’s challenge to sole independent claim 1 and particularly limitation 1c (Pet. 25–29), after which we address the remaining claims and the remaining grounds.

Considering the *Graham* factors, we determine for the reasons below that Google has not shown, by a preponderance of the evidence, that claim 1 is unpatentable under 35 U.S.C. § 103(a) as obvious over Tarpenning.

1. *Overview of Tarpenning (Ex. 1009)*

Tarpenning describes a hand-held reader device that includes a touch-sensitive display and graphical user interface, where the user accesses various software-implemented features associated with the display and

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management of the content. Ex. 1009, code (57). A perspective view of the hand-held reader device is shown in Figure 2, which we reproduce below.

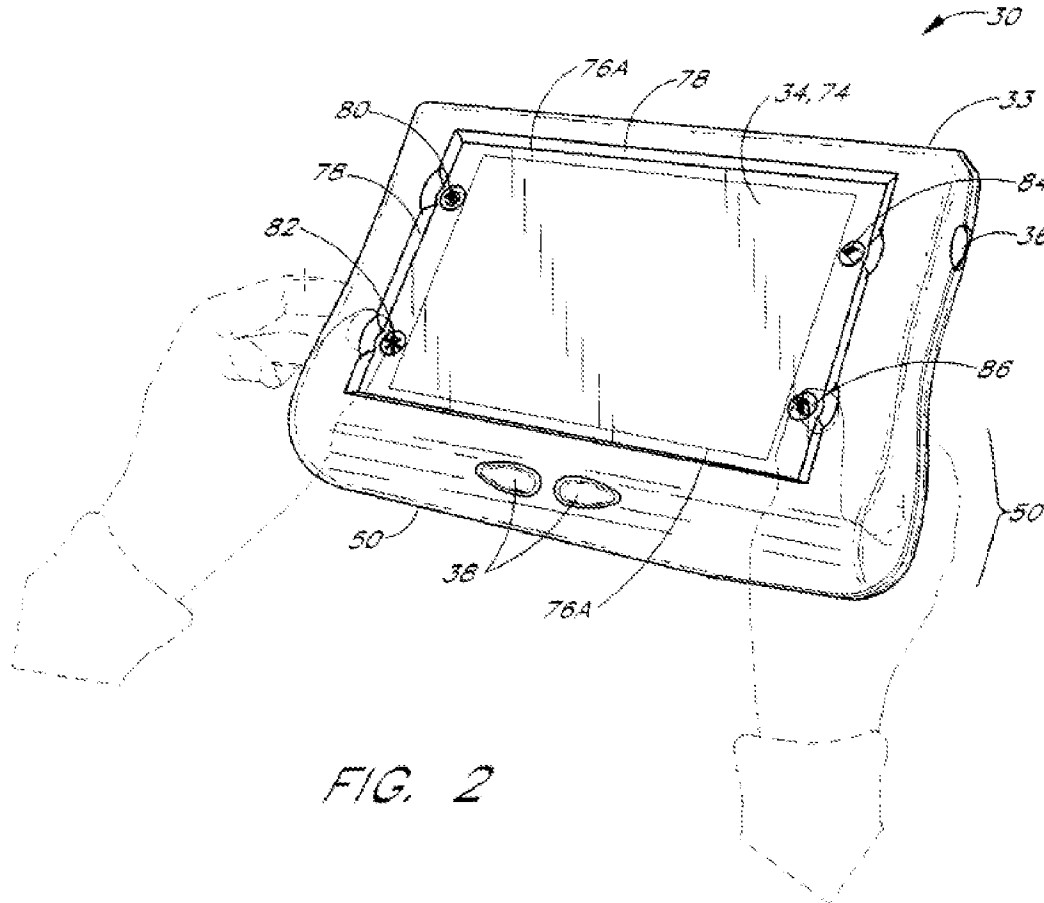
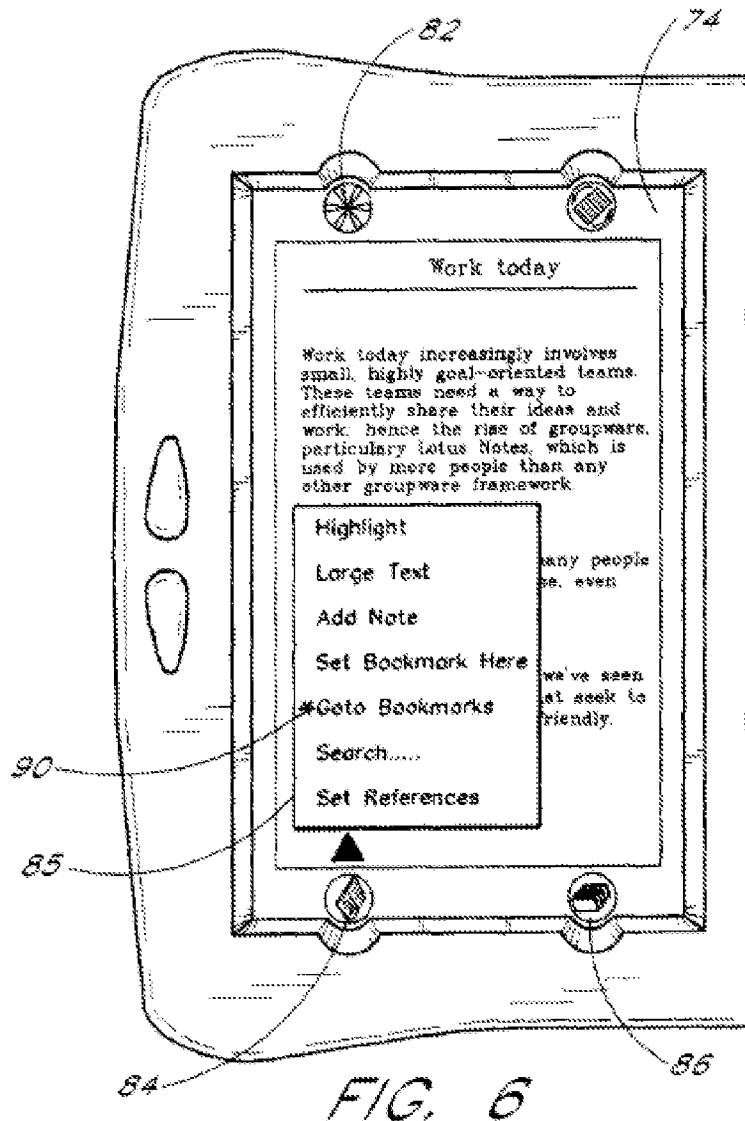


Figure 2, above, illustrates a hand-held computing device adapted to be used as a portable reading device allowing a user to read literary titles and other types of content via a touch sensitive display 34. Ex. 1009, 3:42–48. The housing 33 has an increased width and depth and a rounded configuration along its base to form an extended gripping area 50 for holding the device. *Id.* at 4:10–13.

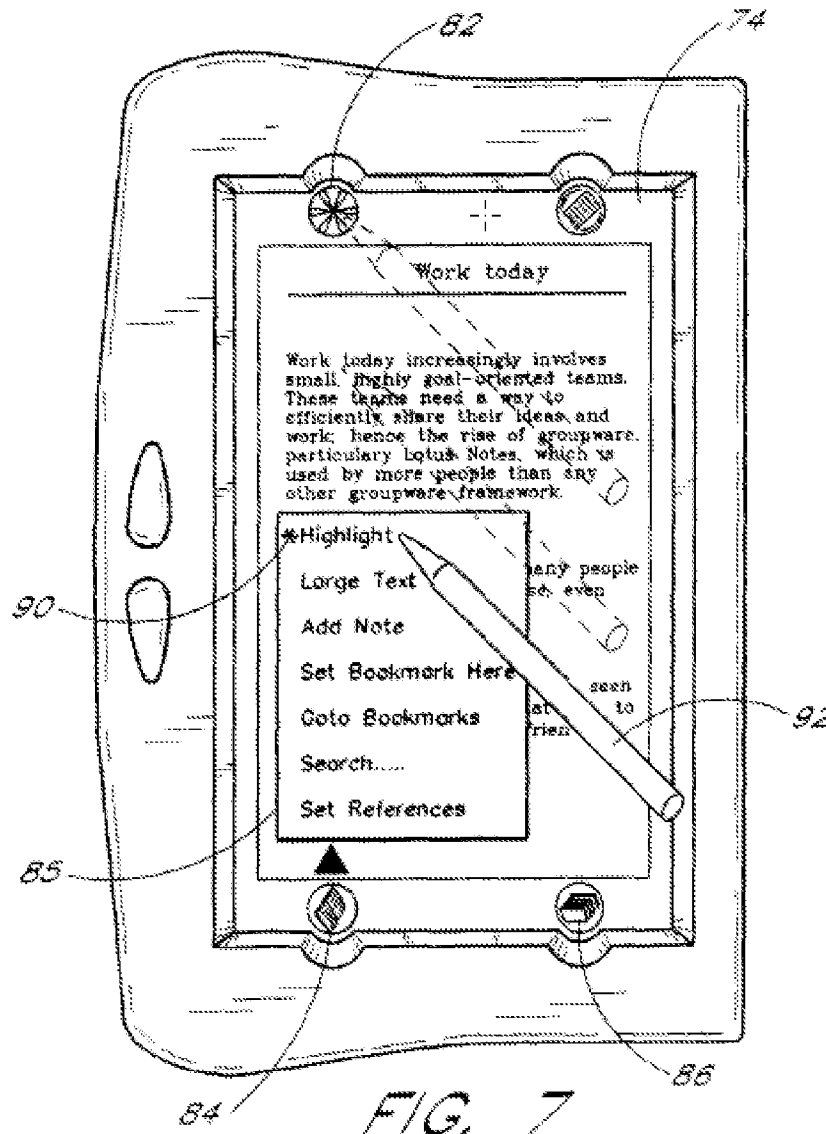
As illustrated in Figure 2, the portion of the touch screen 74 that extends beyond the perimeter 76A of the LCD display 76 has four fixed icons displayed thereon to form four respective function keys: an orientation

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key 80, a user-definable “hotkey” 82, a book menu key 85, and a library menu key 86. Ex. 1009, 6:9–14. The hand-held computing device includes a user interface feature which allow a user to designate a hotkey function, as shown in Figures 6 and 7, which we reproduce below.



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Figures 6 and 7, above, illustrate an example of a hotkey assignment feature of a hand-held computing device's user interface. Ex. 1009, 3:3–4, 7:39–42. With reference to Figure 6, a user initially brings up a menu or sub-menu that contains the target hotkey function. *Id.* at 7:42–44. The menu or sub-menu item that is currently defined as the hotkey function is denoted as such by a hotkey icon 90. *Id.* at 7:30–32. In this example, the hotkey icon 90 appears next to the “Goto Bookmarks” item of the book menu. *Id.* at 7:32–34.

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As depicted in Figure 7, the user then touches the hotkey 82 with the stylus 92 (or the user's finger), drags the stylus to the target item, and then removes the stylus from the touch screen 74. Ex. 1009, 7:44–48. During the dragging process, the hotkey icon 90 is displayed next to the menu item (if any) that is currently touched. *Id.* at 7:49–51. In Figure 7, the hotkey icon 90 is displayed next to the “Highlight” item since the stylus 92 is currently over that item. *Id.* at 7:51–53.

2. *Limitation 1c*

Limitation 1c recites, in part, “wherein the function is activated by a multi-step operation.” Ex. 1001, 6:52–53. Because we find that Google has not shown that Tarpenning teaches this aspect of limitation 1c, we need only address that part of limitation 1c in our decision.

Google contends that a user may activate Tarpenning's book menu key 84 or library menu key 86 using a touch gesture. Pet. 76–77 (citing Ex. 1009, 6:9–14, 6:41–43, Figs. 2, 6; Ex. 1003 ¶¶ 214–220). Google also argues that Tarpenning separately discloses a “multi-step touch-then-glide gesture operation to active hotkey 82's ‘assignment’ function,” in which, according to Google, the user “[i] touches the hotkey 82 with the stylus 92 (or the user's finger),’ and then [ii] ‘drags [glides] the stylus to the target item.’” Pet. 78 (alterations in original) (quoting Ex. 1009, 7:44–48) (citing Ex. 1009, 6:35–40, Fig. 7; Ex. 1003 ¶ 216). According to Google, “[t]he assignment is completed when the user lifts the stylus at the desired operation to be assigned.” Pet. 78–79 (citing Ex. 1009, 7:44–48, Fig. 7; Ex. 1003 ¶ 216).

Google contends that a person of ordinary skill in the art “would have found it obvious to replace Tarpenning's touch operation to activate the

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menu display functions of book menu key 84 and library menu 86 with the disclosed multi-step touch-then-glide activation gesture.” Pet. 80 (citing Ex. 1003 ¶ 217). This is because, according to Google, a person of ordinary skill in the art would have wanted “to prevent accidental activation of the menu functions resulting from accidentally touching the icon” and to more accurately open sub-menus without lifting the stylus or the finger off the screen. *Id.* at 82 (citing Ex. 1003 ¶¶ 219–221; Ex. 1017, 10:14–16). Google contends that the ordinarily skilled artisan would have expected success because Tarpenning’s mobile handheld computer already uses both touch and touch-then-glide operations to activate key functions and those operations were well known. *Id.* at 83–84.

In its Response, Neonode argues that Tarpenning’s hotkey-assignment operation on hotkey 82 does not actually activate any function as recited in limitation 1c. PO Resp. 67. As Dr. Rosenberg puts it, “this assignment procedure does not ‘activate’ anything—it merely assigns the desired function to hotkey 82, which is then activated by the user by pressing the key, not by ‘gliding . . . away.’” Ex. 2019 ¶ 139 (alteration in original). According to Dr. Rosenberg, “Tarpenning never refers to its drag-and-drop operation as ‘activating’ anything, but as, for example, ‘defining a function’ for the hotkey.” *Id.* (citing Ex. 1009, 7:39–41, 8:1–3).

Google counters that the hotkey-assignment gesture “activates the *assignment* function (the system starts determining whether a new function has been assigned) *because* of the touch-then-glide gesture.” Pet. Reply 19–20 (citing Ex. 1031, 45:24–47:4 (Dr. Rosenberg stating on cross-examination that the word *function* in claim 1 is broader than simply bringing up a user interface associated with an icon)). In other words, as

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Google’s counsel explained in oral argument, when the user touches hotkey 82 and begins moving the pointing device toward a potential function, the function “determining whether a new function has been assigned” has already been activated, and continues until the user lifts up from the device. *See* Tr. 37:17–39:16.

We find Google’s argument unpersuasive.¹⁰ Tarpenning’s assignment operation for hotkey 82 is in the nature of a drag-and-drop operation, where the user drags the pen from hotkey 82 to the intended menu item to which hotkey 82 will be assigned. But Google identifies the “function [to be] activated”—not as the actual assignment of hotkey 82 to the menu item when the user lifts from the intended menu item—but as the underlying software process that looks to see whether the user has lifted yet from the selected menu item. *See* Pet. Reply 19–20; Tr. 37:17–39:16. Essentially, Google asserts that the recited *function* is part of processing the gesture itself, which we do not find persuasive. As counsel for Neonode argued at the hearing, unless the user lifts off from a menu item, no assignment to hotkey 82 has been made and nothing has actually been done. *See* Tr. 80:4–13.

¹⁰ We also consider this argument untimely, as it appears to contradict Google’s original theory of obviousness in the Petition, which states that the “‘assignment’ function” is “completed when the user reaches the target item to be assigned.” Pet. 79; *see also* Tr. 80:2–3 (counsel for Neonode arguing, “I submit that’s not only a new point they’re making, it’s unsupported and . . . incorrect.”); 37 CFR § 42.23(b) (“A reply may only respond to arguments raised in the corresponding . . . patent owner response[] or decision on institution.”).

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We also find unpersuasive Google’s original argument in the Petition that the recited “function” is activated when the user reaches the target menu item being assigned to hotkey 82. *See* Pet. 79. This is essentially a traditional drag-and-drop operation. But we credit Dr. Rosenberg’s testimony that when the user lifts from the intended menu item, no function has actually been activated. *See* Ex. 2019 ¶ 139. Rather, at this point a function has merely been assigned to the hotkey for future activation by touching the hotkey. *See id.*

Thus, we determine that Google has not identified any disclosure in Tarpenning in which any “function is activated by a multi-step operation” as recited in limitation 1c. Absent that teaching or suggestion, Google’s argument (Pet. 80–82) does not adequately articulate why a person of ordinary skill in the art would have modified Tarpenning’s book menu key 84 or library menu key 86 to achieve limitation 1c, and we find Google’s obviousness argument unpersuasive as to claim 1.

3. *Dependent Claims 2–7, 9, 12, 13, and 15–17*

As part of its fourth ground, Google argues that dependent claims 4–6, 13, and 15–17 are unpatentable under 35 U.S.C. § 103(a) as obvious over Tarpenning. Pet. 84–97. In its fifth ground, Google challenges dependent claims 2–3, 7, and 9 as obvious over Tarpenning in view of Vayda. Pet. 98–102. In its sixth ground, Google challenges claim 12 as obvious over Tarpenning in view of Bedford-Roberts. Pet. 102–103.

These claims depend from claim 1, and Google’s arguments regarding those claims address the specific limitations added to claim 1 without specifically revisiting the issues we discuss above as to limitation 1c. *See*

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Pet. 84–103. Google does not further address the dependent claims in its Reply. *See* Pet. Reply 23.

Thus, the above considerations as to claim 1 are also applicable to the challenged dependent claims, and we determine that Google has not shown, by a preponderance of the evidence, that any of claims 2–7, 9, 12, 13, and 15–17 are unpatentable under § 103(a) as obvious over the respective prior art combinations.

IV. CONCLUSION

For the reasons above, Google has not shown by a preponderance of the evidence that any challenged claim of the '879 patent is unpatentable under any ground of the Petition.

V. ORDER

In consideration of the foregoing, it is
ORDERED that claims 1–7, 9, 12, 13, and 15–17 of the '879 patent have not been shown to be unpatentable; and

FURTHER ORDERED that parties to this proceeding seeking judicial review of our decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

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In summary:

Claim(s)	35 U.S.C. §	Reference(s)/Basis	Claims Shown Unpatentable	Claims Not Shown Unpatentable
1–5, 13, 15–17	103(a)	Robertson, Maddalozzo		1–5, 13, 15– 17
6, 7, 9	103(a)	Robertson, Maddalozzo, Vayda		6, 7, 9
12	103(a)	Robertson, Maddalozzo, Bedford-Roberts		12
1, 4–6, 13, 15–17	103(a)	Tarpenning		1, 4–6, 13, 15–17
2, 3, 7, 9	103(a)	Tarpenning, Vayda		2, 3, 7, 9
12	103(a)	Tarpenning, Bedford- Roberts		12
Overall Outcome				1–7, 9, 12, 13, 15–17

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Paper 26
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO. LTD, SAMSUNG ELECTRONICS
AMERICA, INC., and APPLE INC.,
Petitioner,

v.

NEONODE SMARTPHONE LLC,
Patent Owner.

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Before MICHELLE N. ANKENBRAND, KARAL. SZPONDOWSKI, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

ANKENBRAND, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Request on Rehearing
37 C.F.R. § 42.71(d)
Granting Institution of *Inter Partes* Review
37 C.F.R. § 314

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I. INTRODUCTION

On November 6, 2020, Samsung Electronics Co. Ltd., Samsung Electronics America, Inc. and Apple Inc. (collectively, “Petitioner”) filed a petition requesting an *inter partes* review (“Petition”) of claims 1–6 and 12–17 (“challenged claims”) of U.S. Patent No. 8,095,879 B2 (“the ’879 patent,” Ex. 1001).

We issued a Decision Denying Institution of *Inter Partes* Review on June 15, 2021 (Paper 24, “Decision” or “DI”). Specifically, we determined that Petitioner failed to establish a reasonable likelihood of prevailing with respect to at least one of the challenged claims under the following asserted grounds:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1, 14–17	103(a)	Ren, ¹ Tanaka ²
2–5	103(a)	Ren, Tanaka, Hirayama307 ³
3	103(a)	Ren, Tanaka, Hirayama307, Hirayama878 ⁴
6, 13	103(a)	Ren, Tanaka, Allard ⁵
12	103(a)	Ren, Tanaka, Henckel ⁶
1, 2, 4, 5, 14–17	103(a)	Hirayama307, Ren
3	103(a)	Hirayama307, Ren, Hirayama878
6, 13	103(a)	Hirayama307, Ren, Allard
12	103(a)	Hirayama307, Henckel

¹ Xiangshi Ren & Shinji Moriya, *Improving Selection Performance on Pen-Based Systems: A Study of Pen-Based Interaction for Selection Tasks*, 7 ACM Transactions on Computer-Human Interaction 384–416 (2000) (Ex. 1004).

² U.S. Patent No. 5,249,296, issued Sept. 28, 1993 (Ex. 1005).

³ U.S. Patent No. 5,406,307, issued Apr. 11, 1995 (Ex. 1006).

⁴ U.S. Patent No. 6,100,878, issued Aug. 8, 2000 (Ex. 1009).

⁵ U.S. Patent No. 5,615,384, issued Mar. 25, 1997 (Ex. 1010).

⁶ U.S. Patent No. 5,463,725, issued Oct. 31, 1995 (Ex. 1013).

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Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1, 14, 15	103(a)	Jermyn ⁷

DI 2, 7, 27.

On July 15, 2021, Petitioner filed a Request for Rehearing (Paper 25, “Rehearing Request” or “Reh’g Req.”) of our Decision regarding the grounds relying on Hirayama307 as the primary reference. Reh’g Req. 1 & n.1. Petitioner contends that we misapprehended Hirayama307’s teachings with respect to claim 1’s limitation “wherein the representation of the function is not relocated or duplicated during the gliding.” *See generally id.*; Ex. 1001, 6:57–59; *see also* DI 6 (reproducing claim 1).

Specifically, Petitioner contends that we misapprehended the claim language by (1) equating Hirayama307’s icon 41 with window 43, Reh’g Req. 1, and (2) relying on portions of Hirayama307 that illustrate actions that occur after and not “during the gliding,” as recited in claim 1.⁸ *Id.*

We have considered Petitioner’s arguments and conclude that we misapprehended the teachings of Hirayama307 and that the Petition sets forth sufficient arguments and evidence to establish a reasonable likelihood that Petitioner will prevail on its Hirayama307 related grounds. We, therefore, grant Petitioner’s Rehearing Request and institute an *inter partes* review of claims 1–6 and 12–17 of the ’879 patent.

⁷ Ian Jermyn et al., *The Design & Analysis of Graphical Passwords*, in Proceedings of the 8th USENIX Security Symposium (1999) (Ex. 1014).

⁸ Petitioner does not present arguments relating to either the grounds relying primarily on Ren or the ground relying on Jermyn. Thus, this decision does not address those grounds.

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II. ANALYSIS

A. *Standard of Review*

A request for rehearing must identify specifically all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, or a reply. 37 C.F.R. § 42.71(d). Petitioner, as the party challenging the Decision, has the burden of showing that we should modify the Decision. *Id.* When rehearing a decision on a petition, we review the decision for an abuse of discretion. *Id.* § 42.71(c). “An abuse of discretion occurs if the decision (1) is clearly unreasonable, arbitrary, or fanciful; (2) is based on an erroneous conclusion of law; (3) rests on clearly erroneous fact findings; or (4) involves a record that contains no evidence on which the Board could rationally base its decision.” *Redline Detection, LLC v. Star Envirotech, Inc.*, 811 F.3d 435, 442 (Fed. Cir. 2015).

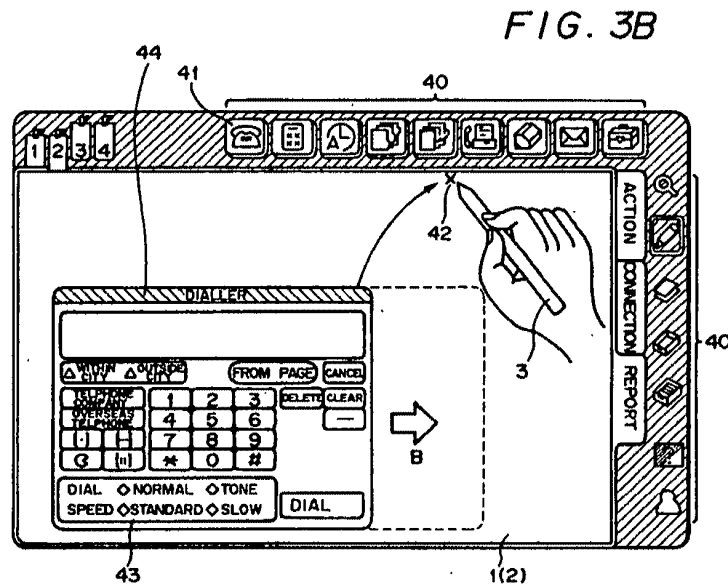
B. *Obviousness over Hirayama307*

In the Decision, we determined that Petitioner failed to show sufficiently that Hirayama307 discloses claim 1’s limitation “wherein the representation of the function is not relocated or duplicated during the gliding.” DI 18–19. We further determined that Petitioner failed to show a reasonable likelihood of prevailing in its assertions as to claims 2–6 and 12–17 based on our determination as to claim 1. *Id.* at 20–21 (finding that Petitioner failed to meet its burden as to claims 2, 4, and 14–17 because these claims ultimately depend from claim 1, and that Petitioner’s additional asserted art for its challenges to claims 3, 6, 12, and 13 does not remedy the deficiencies with respect to claim 1). Below, we first address claim 1 and then turn to claims 2–6 and 12–17.

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1. Claim 1

Petitioner's arguments on rehearing are solely directed to our analysis of the limitation "wherein the representation of the function is not relocated or duplicated during the gliding" (the "limitation at issue") as it relates to Hirayama307.⁹ In the Decision, we found that Petitioner failed to make a sufficient showing that Hirayama307 discloses the limitation at issue "because Hirayama307 appears to disclose either relocating or duplicating the icon on the screen's display." DI 18. In reaching our determination, we primarily relied upon Hirayama307's Figures 3B, 4A, and 4B, as well as Hirayama307's disclosure regarding icon 41 and large icon or window 43. *Id.* at 18–19 (citing Ex. 1006, 5:3–12, 6:22–31). We reproduce Figure 3B below, as it is relevant to our discussion of Petitioner's arguments on rehearing.



⁹ Although Petitioner argued in the Petition that the limitation at issue was alternatively obvious over the combination of Hirayama307 and Ren, Petitioner does not challenge our findings regarding that combination in the Rehearing Request, and we do not address that alternative argument in this decision.

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Figure 3B illustrates a display screen of Hirayama307's device. Ex. 1006, 2:48–51. Hirayama307 explains that, after the user moves the pen point from icon 41 to display portion 3, “an icon (hereinafter . . . referred to as a window) enlarged in the form of the processing display mode of the desired icon 41 is automatically displayed on the display portion 1 as shown in FIG. 3B.” *Id.* at 5:3–12.

Petitioner argues on rehearing that icon 41 corresponds to the “representation of a function.” Reh’g Req. 4 (citing Pet. 59). This icon, Petitioner argues, is not the same as window 43. *Id.* at 8–9. Thus, Petitioner contends that we “misapprehended Hirayama307’s teachings by . . . equating **icon 41** with ‘enlarged icon’ or ‘large icon’ (as depicted in FIG. 3B), which Hirayama through the specification refers to as **window 43**.” *Id.* at 7–8. Petitioner continues “that the ‘*representation of the function*’—*i.e., the icon 41 ‘is not relocated or duplicated during the gliding’*” as the limitation at issue requires. *Id.* at 9. Petitioner further submits that even if we believe that certain aspects of Hirayama307’s disclosure suggest duplicating icon 41 in the form of window 43, such teaching is not explicit and constitutes a fact issue that should be resolved during trial. *Id.* at 10.

In response to Petitioner’s argument that Hirayama307 discloses the limitation at issue, Patent Owner argues that a person of ordinary skill in the art would have understood that icon 41 was “dragged and dropped,” as was “typical in computer user interfaces as of 2002.” Paper 23 at 37 (citing Ex. 2001 ¶ 100). Patent Owner further argues that an ordinarily skilled artisan would have understood that icon 41 was relocated or duplicated because Hirayama307’s system “Enlarge(s) [the] icon as a window.” *Id.* at 39–40 (citing Ex. 2001 ¶ 103).

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Having reconsidered the parties' arguments, we agree with Petitioner that we misapprehended Hirayama307's distinction between icon 41 and window 43 and, as a result, misapprehended the Petition's arguments related to icon 41. Specifically, Hirayama307 discloses that window 43 appears "after having touched the desired icon 41 with the point of the pen 3," and that window 43 is "the processing display form" of icon 41. Ex. 1006, 5:64–66. Thus, contrary to our determination in the Decision that "Hirayama307 appears to duplicate or relocate the representation of the function, i.e., icon, during gliding," a closer reading of Hirayama307 indicates that icon 41 and window 43 are different, though Hirayama307 at times uses the term "large icon" or "enlarged icon" to describe window 43. *See, e.g.*, Ex. 1006, 6:7–14, 6:22–23, 6:30. We acknowledge that Patent Owner disagrees with Petitioner, but we find that the parties' disagreement raises an issue of fact that is best resolved on a full trial record. Accordingly, we determine that Petitioner shows sufficiently at this stage of the proceeding that Hirayama307 discloses the limitation "wherein the representation of the function is not relocated or duplicated during the gliding." In light of this determination, we need not address Petitioner's additional arguments related to whether Hirayama307 discloses the limitation at issue.¹⁰

We further determine on the record before us that Petitioner sets forth sufficient arguments and evidence that Hirayama307 discloses the remaining

¹⁰ Patent Owner's remaining arguments in the Preliminary Response regarding the Hirayama307 grounds relate to Petitioner's alternative contention that Hirayama307 and Ren disclose the limitation at issue. We need not address those arguments because we find that Petitioner shows sufficiently at this stage of the proceeding that Hirayama307 alone discloses the limitation at issue.

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limitations of claim 1. *See* Pet. 49–60. At this stage of the proceeding, Patent Owner’s arguments regarding claim 1 are confined to the limitation at issue, and so Patent Owner does not specifically challenge Hirayama307’s disclosure as it relates to the remaining limitations of claim 1. Paper 23 at 36–49.

2. *Claims 2–6 and 12–17*

Petitioner challenges claims 2–6 and 12–17 by adding the teachings of Ren, Hirayama878, Allard, or Henckel to the teachings of Hirayama307. Pet. 1–2, 49–74. Patent Owner does not separately address the dependent claims in its Preliminary Response. Paper 23 at 50. We have reviewed Petitioner’s evidence, including the relevant portions of Dr. Bederson’s testimony and Petitioner’s arguments that a person of ordinary skill in the art would have had reason to combine the prior art disclosures. *See* Pet. 49–74 (and evidence cited therein). Based on the current record, we find that Petitioner also demonstrates a reasonable likelihood of prevailing in its obviousness challenge with respect to claims 2–6 and 12–17.

C. *Considerations under Section 314(a)*

We have discretion to deny a petition for *inter partes* review under § 314(a). *See* 35 U.S.C. § 314(a) (“The Director may not authorize an *inter partes* review to be instituted unless”); *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2140 (2016) (“[T]he agency’s decision to deny a petition is a matter committed to the Patent Office’s discretion.”); *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1367 (Fed. Cir. 2016) (“First of all, the PTO is permitted, but never compelled, to institute an IPR proceeding.” (citing 35 U.S.C. § 314(a))). When deciding whether to exercise our discretion, we may consider the number of claims and grounds that meet the reasonable likelihood standard and whether, in the interests of efficient

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administration of the Office and integrity of the patent system, the entire petition should be denied. *Deeper, UAB v. Vexilar, Inc.*, IPR2018-01310, Paper 7 at 42 (PTAB Jan. 24, 2019) (informative); SAS Q&A's, Part D, Effect of *SAS* on Future Challenges that Could Be Denied for Statutory Reasons, D2 (June 5, 2018), available at https://www.uspto.gov/sites/default/files/documents/sas_qas_20180605.pdf.

Here, Petitioner demonstrates a reasonable likelihood of prevailing on its challenges involving Hirayama307, which address all challenged claims. On this record, and based on the particular facts of this proceeding, we find that instituting a trial is an efficient use of the Board's time and resources.

D. Conclusion

For the foregoing reasons, we grant Petitioner's Rehearing Request and determine that Petitioner demonstrates a reasonable likelihood that at least one challenged claim of the '879 patent is unpatentable over the prior art of record. Accordingly, we institute an *inter partes* review of all claims on all grounds asserted in the Petition.¹¹

III. ORDER

It is:

ORDERED that Petitioner's Request for Rehearing is *granted*;

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–6 and 12–17 of the '879 patent is instituted with

¹¹ In the Rehearing Request, Petitioner “withdraws Grounds 1A–1E and 3 [i.e., the grounds relying primarily on Ren or Jermyn] and stipulate[s] not to pursue these grounds in any proceeding that is instituted from this rehearing request. In this regard, Petitioner[] promote[s] narrowed focus on the merits of Ground 2 [the Hirayama307 grounds] only.” Reh'g Req. 1 n.1.

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respect to all grounds of unpatentability asserted in the Petition commencing on the entry date of this decision; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial.

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Paper 24
Date: June 15, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO. LTD, SAMSUNG ELECTRONICS
AMERICA, INC., and APPLE INC.,
Petitioner,

v.

NEONODE SMARTPHONE LLC,
Patent Owner.

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Before MICHELLE N. ANKENBRAND, KARA L. SZPONDOWSKI, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

ANKENBRAND, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

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I. INTRODUCTION

Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and Apple Inc. (collectively, “Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–6 and 12–17 of U.S. Patent No. 8,095,879 B2 (Ex. 1001, “the ’879 patent”). Paper 6 (“Pet.”). Neonode Smartphone LLC (“Patent Owner”) filed a Preliminary Response. Paper 23 (“Prelim. Resp.”).

We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314 (2018); 37 C.F.R. § 42.4(a) (2020). The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless the Director determines . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least [one] of the claims challenged in the petition.”

For the reasons set forth below, upon considering the Petition, Preliminary Response, and evidence of record, we determine the information presented in the Petition does not establish a reasonable likelihood that Petitioner would prevail with respect to at least one of the challenged claims. Accordingly, we deny the Petition, and do not institute an *inter partes* review.

II. BACKGROUND

A. Related Matters

The parties identify the following district court proceedings related to the ’879 patent: *Neonode Smartphone LLC v. Apple Inc.*, Case No. 6:20-cv-00505 (W.D. Tex.) and *Neonode Smartphone LLC v. Samsung Electronics Co. Ltd.*, Case No. 6:20-cv-00507 (W.D. Tex.). Pet. 92–93; Paper 7, 2.

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Patent Owner also identifies as related IPR2021-00145 (challenging U.S. Patent No. 8,812,993 B2). Paper 7, 2.

B. Overview of the '879 Patent

The '879 patent, titled “User Interface for Mobile Handheld Computer Unit,” issued on January 10, 2012. Ex. 1001 at [45], [54]. The '879 patent describes a user interface for a mobile handheld computer that has a touch sensitive area divided into a menu area and a display area. *Id.* at 1:6–9. The menu area shows a representation of a first, a second, and a third predefined function that “can be activated when the touch sensitive area detects a movement of an object with its starting point within the representation of the function on the menu area and with a direction from the menu area to the display area.” *Id.* at 1:65–2:5, 2:11–14. “The first function is a general application dependent function, the second function is a keyboard function, and the third function is a task and file manager.” *Id.* at 2:7–10.

The user interface is “specifically adapted to be used with a small computer unit” having a touch sensitive area that is approximately 2–3 inches and also is adapted so that a user can operated it with one hand. *Id.* at 3:1–6.

We reproduce Figure 1 of the '879 patent below.

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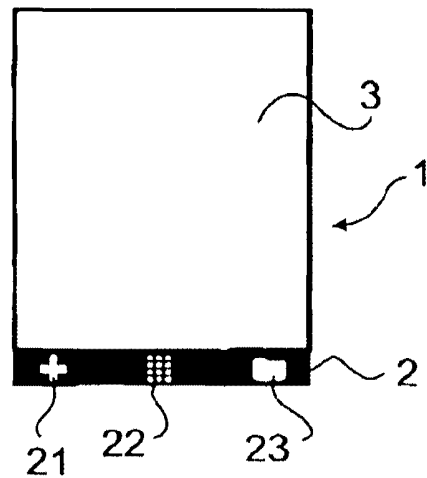


Fig. 1.

Figure 1 is a schematic view of touch sensitive area 1 on a mobile handheld computer unit, depicting menu area 2 adapted to present a representation of first 21, second, 22, and third 23 predefined functions. *Id.* at 3:21–22, 4:1–3. We reproduce Figure 2 of the '879 patent below.

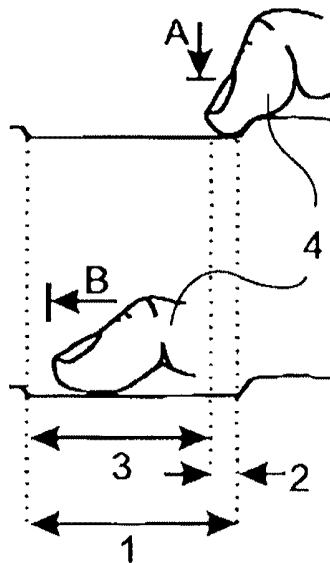


Fig. 2.

Figure 2 is a schematic side view illustrating how a user activates a function. *Id.* at 3:24–25. A user can activate any one of functions 21, 22, or 23 when

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touch sensitive area 1 detects a movement of object 4 with its starting point A within the representation of a function on menu area 2 and with direction B from menu area 2 to display area 3. *Id.* at 4:7–11. Object 4 can be a finger, a pen, or another pointing device. *Id.* at 6:11–15.

The '879 patent explains that when a user activates, for example, the first function, the display area is adapted to display icons representing services or settings, depending on the current active application. *Id.* at 2:18–20. Figure 3, which we reproduce below, illustrates first function 21 activated.

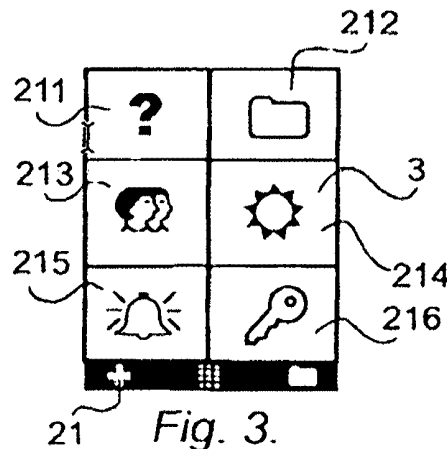


Figure 3 is a schematic illustration of the first function. *Id.* at 3:26. Figure 3 shows that after a user activates first function 21 with the movement depicted in Figure 2, display area 3 displays icons 211–216, each representing services or functions depending on the current active application. *Id.* at 4:12–15. If, for example, the active application handles a picture, then the icons showing on display area 3 after a user activates the first function “can be services such as ‘save to disk’, ‘send as SMS’, or ‘delete’, and they can be setting such as ‘resolution’, ‘colour’, or ‘brightness’.” *Id.* at 4:24–28. If no application is active on the computer,

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then icons 211–216 represent services or settings of the operating system, such as background picture clock, alarm 215, users 213, and help 211. *Id.* at 3:29–32.

The '879 patent describes, in similar fashion, how a user activates the second keyboard function and the third task and file manager function. *See id.* at 4:34–5:63.

C. Illustrative Claim

Petitioner challenges claims 1–6 and 12–17 of the '879 patent (collectively, “the challenged claims”). Claim 1, the only independent claim, is illustrative of the claimed subject matter, and recites:

1. A non-transitory computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising:

a touch sensitive area in which a representation of a function is provided, wherein the representation consists of only one option for activating the function and wherein the function is activated by a multi-step operation comprising (i) an object touching the touch sensitive area at a location where the representation is provided and then (ii) the object gliding along the touch sensitive area away from the touched location, wherein the representation of the function is not relocated or duplicated during the gliding.

Ex. 1001, 6:45–59.

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D. Asserted Grounds of Unpatentability

Petitioner asserts that the challenged claims are unpatentable based on the following grounds:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1, 14–17	103(a) ¹	Ren, ² Tanaka ³
2–5	103(a)	Ren, Tanaka, Hirayama307 ⁴
3	103(a)	Ren, Tanaka, Hirayama307 Hirayama878 ⁵
6, 13	103(a)	Ren, Tanaka, Allard ⁶
12	103(a)	Ren, Tanaka, Henckel ⁷
1, 2, 4, 5, 14–17	103(a)	Hirayama307, Ren
3	103(a)	Hirayama307, Ren, Hirayama 878
6, 13	103(a)	Hirayama307, Ren, Allard
12	103(a)	Hirayama307, Henckel
1, 14, 15	103(a)	Jermyn ⁸

Pet. 1–2. Petitioner relies on the Declaration of Dr. Benjamin B. Bederson (Ex. 1002) to support its asserted grounds of unpatentability. Patent Owner

¹ The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amended 35 U.S.C. § 103. Because the ’879 patent has an effective filing date before the effective date of the applicable AIA amendments, we refer to the pre-AIA version of 35 U.S.C. § 103.

² Xiangshi Ren & Shinji Moriya, *Improving Selection Performance on Pen-Based Systems: A Study of Pen-Based Interaction for Selection Tasks*, 7 ACM Transactions on Computer-Human Interaction 384–416 (2000) (Ex. 1004).

³ U.S. Patent No. 5,249,296, issued Sept. 28, 1993 (Ex. 1005).

⁴ U.S. Patent No. 5,406,307, issued Apr. 11, 2014 (Ex. 1006).

⁵ U.S. Patent No. 6,100,878, issued Aug. 8, 2000 (Ex. 1009).

⁶ U.S. Patent No. 5,615,384, issued Mar. 25, 1997 (Ex. 1010).

⁷ U.S. Patent No. 5,463,725, issued Oct. 31, 1995 (Ex. 1013).

⁸ Ian Jermyn et al., *The Design & Analysis of Graphical Passwords*, in Proceedings of the 8th USENIX Security Symposium (1999) (Ex. 1014).

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disputes that Petitioner's asserted grounds render any of the challenged claims unpatentable. *See generally* Prelim. Resp. Patent Owner relies on the Declaration of Dr. Craig Rosenberg (Ex. 2001).

III. DISCUSSION

A. Level of Ordinary Skill in the Art

For Petitioner, Dr. Bederson testifies that a person of ordinary skill in the art at the time of the invention, “would have had at least a bachelor’s degree in computer science, computer engineering, or the equivalent education and at least two years of experience in user-interface design and development,” but “[a]dditional years of experience could substitute for formal education, and vice versa.” Ex. 1002 ¶ 49. Patent Owner’s expert, Dr. Rosenberg, applies Dr. Bederson’s description of the ordinarily skilled artisan. Ex. 2001 ¶ 33. We adopt Dr. Bederson’s description of the level of ordinary skill in the art because it is consistent with the problems and solutions the ’879 patent identifies and with the prior art.

B. Claim Construction

Neither party contends that there are claim terms in dispute, or that we need to construe any terms for purposes of this decision. *See* Pet. 5–6; *see generally* Prelim. Resp. After reviewing the parties’ arguments and evidence, we determine that we do not need to expressly construe any claim terms for purposes of this Decision. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017).

C. Asserted Obviousness Based on Ren and Tanaka

Petitioner asserts five obviousness challenges based on the combination of Ren and Tanaka. *See* Pet. 1 (summary of grounds 1A–1E). Specifically, Petitioner contends that the subject matter of the challenged

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claims of the '879 patent would have been obvious over: (1) Ren and Tanaka (claims 1 and 14–17); (2) Ren, Tanaka, and Hirayama307 (claims 2–5); (3) Ren, Tanaka, Hirayama307, and Hirayama878 (claim 3); (4) Ren, Tanaka, and Allard (claims 6 and 13); and (5) Ren, Tanaka, and Henckel (claim 12). *See, e.g., id.*

Before turning to Petitioner's arguments, we provide a brief summary of Ren and Tanaka, as they form the basis of our analysis.

1. Ren (Ex. 1004)

Ren describes pen-based selection strategies for use on small, touch-sensitive screens. Ex. 1004, 384–385. In small pen-based systems, users access information by selecting a target more often than by inputting handwritten data. *Id.* “Common targets are menus, data . . . ranges etc., and the selection of keys on a software keyboard displayed on a screen.” *Id.* Users have to select smaller targets as the amount of information displayed on a screen increases. *Id.* Thus, Ren recognizes the “trade-off between the size and accessibility of targets and the amount of information presented on the screen” as “a fundamental problem in human-computer design” that “is especially obvious in mobile products, such as . . . PDAs.” *Id.*

Ren specifically studies six selection strategies depicted in its Figure 3: *Direct On*, *Slide Touch*, *Direct Off*, *Slide Off*, *Space On*, and *Space Touch*. We reproduce Figure 3 below, with a red rectangle we have added around the $a \rightarrow c \rightarrow b \rightarrow a$ route of the *Slide Off* strategy on which Petitioner focuses its unpatentability arguments.

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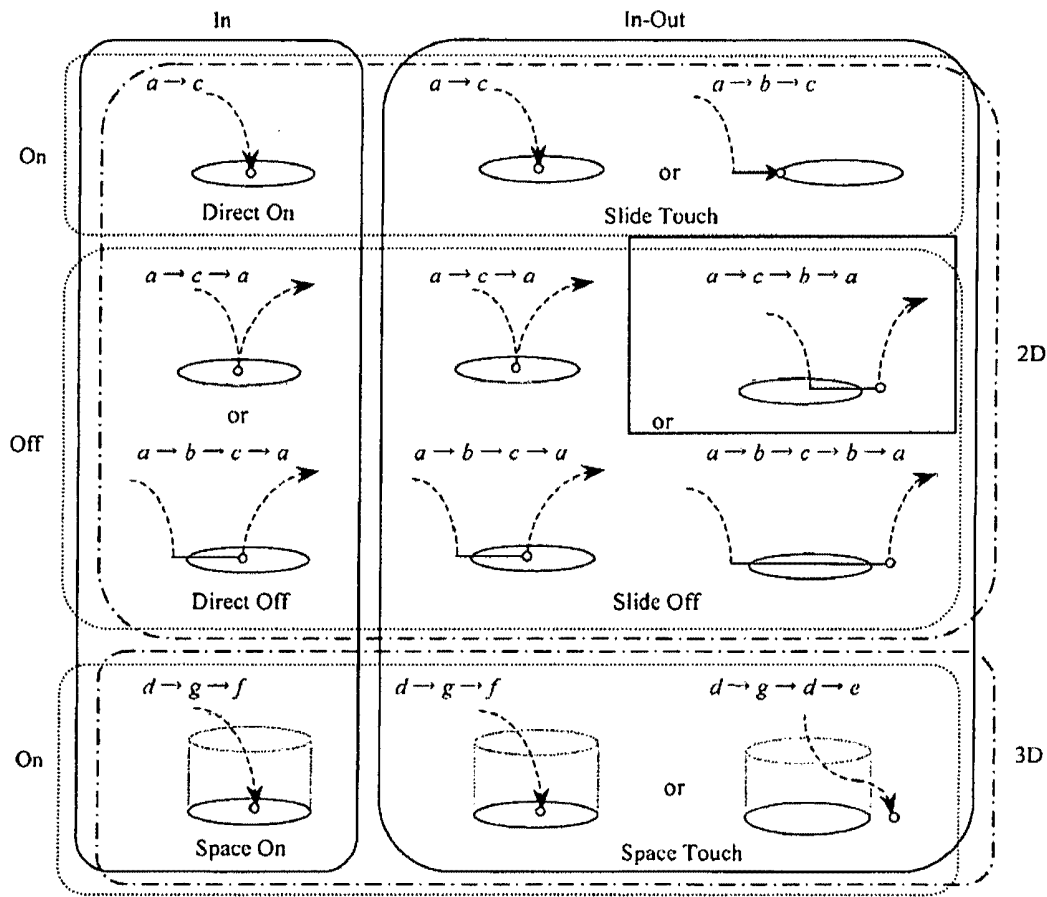


Figure 3 shows the six strategies for selecting a target that Ren uses in its experiments grouped according to their characteristics, annotated with a red rectangle to highlight the $a \rightarrow c \rightarrow b \rightarrow a$ route of Ren's *Slide Off* strategy. *Id.* at 389–390. In Figure 3, “[t]he arrows show the direction of pen-tip movement,” “the dashed lines indicate that the pen-tip is not in contact with the screen surface (either before or after contact), and the solid lines . . . show that the pen-tip is in contact with the screen surface.” *Id.* at 389. For the *Slide Off* strategy, “[t]he target is highlighted only while the pen is in contact with it; however, the selection is made when the pen is removed from any point on the screen either inside or outside the target area,” as illustrated in the $a \rightarrow c \rightarrow b \rightarrow a$ route. *Id.* at 391. Ren describes the *Slide*

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Off strategy as “an extension of the *Direct Off* strategy.” *Id.* In the *Direct Off* strategy, “the target is highlighted only while the pen is touching it,” and the “selection is made at the moment the pen is taken off the target.” *Id.* at 390.

2. *Tanaka (Ex. 1005)*

Tanaka relates to an information-processing device for controlling window positions. Ex. 1005, 1:7–8. Specifically, Tanaka discloses a device that allows a user to use both of two icon-selecting methods—a “check” and a “drag”—to control window positions on the screen. *Id.* at 2:33–38. The “check” method allows a user to open a new window corresponding to a selected icon on a display screen when the user checks the icon with a pointing device. *Id.* at 1:9–12, 3:5–9. The “drag” method allows a user to open a new window corresponding to a selected icon “in the position to which the icon is dragged and from which the pointing pen is lifted up.” *Id.* at 1:12–14, 3:9–12.

3. *Claims 1 and 14–17*

Petitioner contends that the combined teachings of Ren and Tanaka disclose each limitation of claim 1, and that a person of ordinary skill in the art would have had reason to implement Ren’s selection strategies, particularly the $a \rightarrow c \rightarrow b \rightarrow a$ *Slide Off* strategy route, on Tanaka’s device. Pet. 16–31; *see id.* at 18–19 (discussing reason to combine). Petitioner relies on Dr. Bederson’s testimony to support its assertions. *See id.* Patent Owner argues that Petitioner fails to show sufficiently why a person of ordinary skill in the art would have had a reason to combine Ren’s and Tanaka’s teachings with a reasonable expectation of success in achieving the claimed invention. Prelim. Resp. 1–2, 3–36. We focus our discussion on that issue.

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Petitioner contends that an ordinarily skilled artisan would have implemented Ren’s selection strategies on Tanaka’s device for a number of reasons. First, Petitioner notes that “Ren and Tanaka are directed to solutions to the same problem—target selection techniques in pen-based tablet systems.” Pet. 18–19. In view of this, Petitioner asserts a “[person of ordinary skill in the art] would have recognized Ren as disclosing a handful of selection techniques that would have been obvious to try and implement with pen-based [graphical user interface] interaction systems, such as those in Tanaka.” *Id.* at 19.

Petitioner’s obvious-to-try argument follows from its assertion that Ren and Tanaka are directed to solutions to the same problem. Although Petitioner’s assertion may establish that the references are analogous art, it falls short of rationally articulating sufficient reasons to support the conclusion of obviousness. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (“it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant art to combine elements as the new invention does”). Further, even assuming that Ren’s disclosure of six selection strategies qualifies as “a finite number of identified, predictable solutions,” *id.* at 421, Petitioner does not direct us to any “design need or market pressure to solve a problem,” or reason an ordinarily skilled artisan would have selected a particular strategy from Ren to produce the claimed invention. *Id.*; *In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.*, 676 F.3d 1063, 1072 (Fed. Cir. 2012) (“Evidence of obviousness, especially when that evidence is proffered in support of an ‘obvious-to-try’ theory, is insufficient unless it indicates that the possible options skilled artisans would have encountered were ‘finite,’

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‘small,’ or ‘easily traversed,’ and that skilled artisans would have had a reason to select the route that produced the claimed invention.”).

Next, Petitioner argues that the ordinarily skilled artisan only would have implemented Ren’s *Slide Off* strategy into Tanaka’s device for its simplicity. As we discuss below, we agree with Patent Owner’s argument that such a modification to Tanaka would have been contrary to Tanaka’s express purpose.

In support of this argument, Petitioner points to Tanaka’s “check” and “drag” methods, and contends that the ordinarily skilled artisan would have recognized the “check” method as Ren’s *Direct Off* technique and the “drag” method as “similar to Ren’s *Slide Off* strategy with route $a \rightarrow c \rightarrow b \rightarrow a$.” Pet. 23–24. Based on Ren’s teachings about the *Direct Off* and *Slide Off* efficiencies, Petitioner argues an ordinarily skilled artisan “would have been motivated to implement the *Slide Off* strategy exclusively of the *Direct Off* strategy for example for pocket-sized pen-based applications with small targets, and not implement both strategies for the same target.” *Id.* at 28–29 (citing Ex. 1002 ¶ 108). This is so, argues Petitioner, because having only a single function and single interaction technique is easy to explain, easier for a user to learn and remember, and easier and simpler to program and process than multiple potential gestures. *Id.* Petitioner further asserts that the ordinarily skilled artisan would have implemented the single function with predictable results, given its simplicity. *Id.* at 29 (citing Ex. 1002 ¶ 109).

We disagree. Where “a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result.” *KSR*, 550 U.S. at 416. “However, combinations that change the

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‘basic principles under which the [prior art] was designed to operate,’ or that render the prior art ‘inoperable for its intended purpose,’ may fail to support a conclusion of obviousness.” *Plas-Pak Indus., Inc. v. Sulzer Mixpac AG*, 600 F. App’x 755, 757–758 (Fed. Cir. 2015) (non-precedential) (quoting *In re Ratti*, 270 F.2d 810, 813 (CCPA 1959); *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984)). As Patent Owner argues, “Tanaka’s expressed concern was to enable multiple activation techniques rather than only a single technique.” Prelim. Resp. 23 (citing Ex. 1005, 2:33–38, 6:55–7:6). Tanaka explains that known “[c]onventional information processing apparatuses for controlling window positions adopt[ed] exclusively one of the two icon-selecting methods, ‘check’ or ‘drag.’” Ex. 1005, 1:48–50. In contrast, Tanaka’s object is “to provide an information processing apparatus for controlling window positions,” that allows “the user to employ any one of the two icon-selecting methods, ‘check’ and ‘drag’ to control window positions as desired on the screen.” *Id.* at 2:33–38; *see also id.* at 6:55–6:65 (explaining that the invention allows a user to use the “check” and “drag” methods to control window positions). Indeed, Tanaka states that “[u]nlike its prior art counterparts, *the inventive apparatus accepts all kinds of pen operations* and saves the user a significant amount of operating chores.” *Id.* at 7:3–6 (emphasis added).

Given Tanaka’s express purpose to create an apparatus that allows a user to utilize both the “check” and “drag” methods to select icons and control windows, implementing only Ren’s *Slide Off* strategy into Tanaka’s device would change Tanaka’s principle of operation and render Tanaka inoperable for its intended purpose. Accordingly, Petitioner fails to show sufficiently that a person of ordinary skill in the art would have had a reason

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to combine Ren's and Tanaka's teachings to arrive at the claimed invention. As a result, Petitioner fails to demonstrate a reasonable likelihood of prevailing in its assertion that the subject matter of claim 1 would have been obvious over the combination of Ren and Tanaka. Further, because claims 14–17 depend from claim 1, Petitioner also fails to demonstrate a reasonable likelihood of prevailing in its assertion that the subject matter of those claims would have been obvious over the combination of Ren and Tanaka.

4. Remaining grounds involving Ren and Tanaka

Petitioner challenges claims 2–6, 12, and 13 by adding Hirayama307, Hirayama307 and Hirayama878, Allard, or Henckel to the teachings of Ren and Tanaka discussed above. Pet. 35–49. Petitioner relies upon Hirayama307, Hirayama878, Allard, or Henckel for teaching the added limitations of these dependent claims and thus, does not remedy the deficiencies of the asserted art with respect to claim 1. Accordingly, for the same reasons discussed above, Petitioner fails to demonstrate a reasonable likelihood of prevailing in its assertion that the subject matter of claims 2–6, 12, and 13 would have been obvious over the asserted combinations of references.

D. Asserted Obviousness Based on Hirayama307 and Ren

Petitioner asserts four obviousness challenges based on the combination of Hirayama307 and Ren. *See* Pet. 1–2 (summary of grounds 2A–2D). Specifically, Petitioner contends that the subject matter of the challenged claims of the '879 patent would have been obvious over: (1) Hirayama307 and Ren (claims 1, 2, 4, 5, and 14–17); (2) Hirayama307, Ren, and Hirayama878 (claim 3); and (3) Hirayama307, Ren, and Allard

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(claims 6 and 13); and (4) Hirayama307 and Henckel (claim 12). *See, e.g., id.*

Before turning to Petitioner's arguments, we provide a brief summary of Hirayama307.

1. Hirayama307 (Ex. 1006)

Hirayama307 relates to a small data processing device comprising a pen, a display portion, and a transparent touch sensor input. Ex. 1006, 1:7–10, 2:67–3:6. When a user presses the power button, icons appear on the display, as shown in Figure 3A, which we reproduce below.

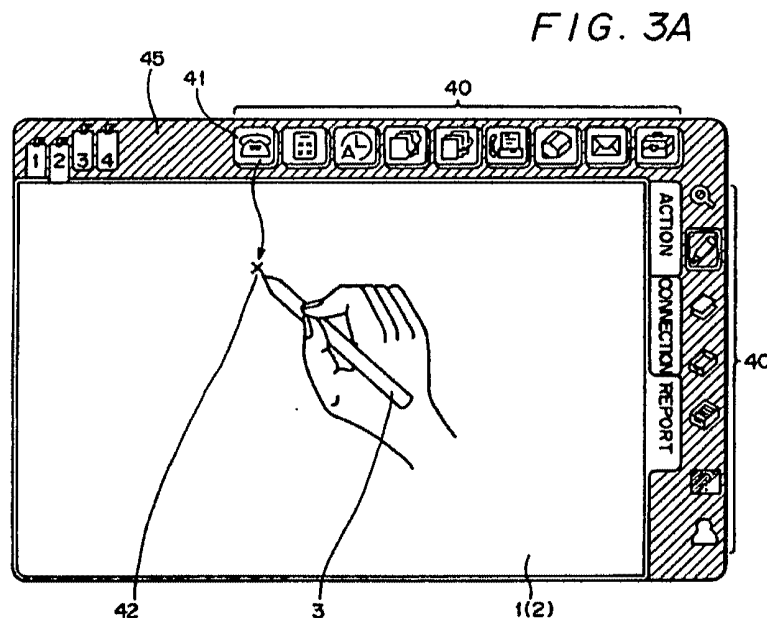


Figure 3A illustrates a display screen of Hirayama307's device. When a user wants to make a call, for example, the user touches telephone icon 41 with the pen point. *Id.* at 4:61–65. As the user moves the pen point to display portion 1, x-shaped cursor 42 appears on the screen of the display portion so the user “can visually confirm the exact position of the point of pen 3 on the input tablet 2 very clearly. *Id.* at 4:65–5:3. After the user

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moves the pen point from icon 41 to display portion 1, “an icon (hereinafter . . . referred to as a window) enlarged in the form of the processing display mode of the desired icon 41 is automatically displayed on the display portion 1 as shown in FIG. 3B.” *Id.* at 5:3–12.

2. *Claims 1, 2, 4, 5, and 14–17*

Petitioner contends that the combined teachings of Hirayama307 and Ren disclose each limitation of claim 1, and that a person of ordinary skill in the art would have had reason to implement Ren’s selection strategies, particularly the $a \rightarrow c \rightarrow b \rightarrow a$ *Slide Off* strategy route, on Hirayama307’s device. Pet. 49–62. Petitioner relies on Dr. Bederson’s testimony to support its assertions. *See id.* Patent Owner disagrees, arguing, among other things, that Petitioner fails to show sufficiently that Hirayama307 discloses “the representation of the function is not relocated or duplicated during [] gliding,” as claim 1 requires. Prelim. Resp. 37–42. Patent Owner also argues that an ordinarily skilled artisan would not have had reason to implement Ren’s $a \rightarrow c \rightarrow b \rightarrow a$ *Slide Off* route on Hirayama’s device. *Id.* at 43–46. We focus our analysis on these issues.

a. *“the representation of the function is not relocated or duplicated during [] gliding”*

Petitioner asserts that “Hirayama307 discloses icon 41 is selected if the user ‘moves (*i.e.* drags) the point of the pen 3’. . . or by ‘dragging the pen 3.’” Pet. 60. From this disclosure, Petitioner reasons that it would have been obvious to implement the user interface such that the icon is not relocated or duplicated during pen gliding. *Id.* Pointing to Figures 3A and 3B, Petitioner contends that Hirayama307 discloses dragging the pen from the icon to the display screen such that the icon remains in the same position

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on the screen it was located before dragging. *Id.* at 61–62. Petitioner concludes that an ordinarily skilled artisan “would have understood this as at least a suggestion the icon is not relocated or duplicated during the gliding of the pen because the icon was still in the same location it started at the beginning of the dragging operation.” *Id.* at 62 (citing Ex. 1002 ¶ 159).

Petitioner fails to make a sufficient showing on this record because Hirayama307 appears to disclose either relocating or duplicating the icon on the screen’s display. We reproduce Figure 3B below.

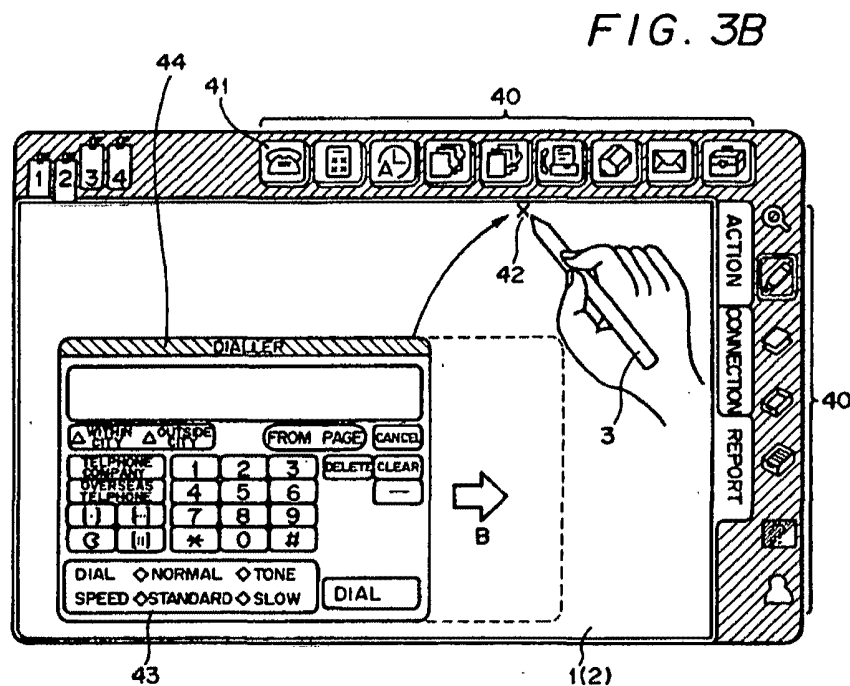


Figure 3B illustrates a display screen of Hirayama307’s device.

Hirayama307 explains that, after the user moves the pen point from icon 41 to display portion 3, “an icon (hereinafter . . . referred to as a window) enlarged in the form of the processing display mode of the desired icon 41 is automatically displayed on the display portion 1 as shown in FIG. 3B.” *Id.* at 5:3–12. Hirayama307 further discloses that “[w]hen the user wants to

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bring the large icon, i.e., the window 43 displayed on the display portion 1 . . . back to the original position” if the user touches a portion “within the window 43 with the point of the pen 3 and drags the point of the pen 3 back to the telephone icon 41 . . . then the icon of large size can be returned to and stored in that position.” *Id.* at 6:22–31; *see also id.* at Fig. 4A (flow chart including the step of enlarging the icon as a window), Fig. 4B (flow chart including the steps of reducing the icon and moving the reduced icon). Thus, contrary to Petitioner’s assertion, Hirayama307 appears to duplicate or relocate the representation of the function, i.e., icon, during gliding. As a result, Petitioner fails to show sufficiently that “[i]t would have been obvious given Hirayama307’s disclosure to implement the user interface such that” “the representation of the function is not relocated or duplicated during [] gliding,” as claim 1 requires.

b. Reason to implement Ren’s strategy on Hirayama’s device

Petitioner also argues that Ren discloses the limitation “the representation of the function is not relocated or duplicated during [] gliding,” and that an ordinarily skilled artisan would have tried to implement Ren’s selection strategies on Hirayama307’s device with predictable results. Pet. 62 (citing Pet. § IV.A; Ex. 1002 ¶¶ 160–162). According to Petitioner, it would have been obvious to combine Hirayama307’s and Ren’s teachings because “Ren and Hirayama307 both are directed to solutions to the same problem, namely target selection techniques in pen-based tablet systems.” *Id.* Petitioner also asserts that a person of ordinary skill in the art “would have recognized Ren as disclosing a small number of selection techniques that would have been obvious to try and implement with pen-based [graphical user interface] interaction systems.” *Id.*

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Petitioner fails to make a sufficient showing for the same reasons set forth above in connection with Petitioner's Ren and Tanaka combination. In particular, Petitioner's assertion that an ordinarily skilled artisan would have had reason to combine Hirayama307's and Ren's teachings because the references both are directed to solutions to the same problem establishes that the references are analogous art, but falls short of articulating reasoning with a rational underpinning to support the conclusion of obviousness. *See KSR*, 550 U.S. at 418. And Petitioner does not direct us to any "design need or market pressure to solve a problem," or any reason that an ordinarily skilled artisan would have selected a particular strategy from Ren to produce the claimed invention. *Id.*; *In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.*, 676 F.3d at 1072. Rather, Petitioner simply concludes that it would have been obvious to try. Although Petitioner cites to Dr. Bederson's testimony for support, Dr. Bederson does not elaborate on Petitioner's argument, as his testimony mirrors the Petition's conclusion. Ex. 1002 ¶ 162.

c. Conclusion

Petitioner fails to demonstrate a reasonable likelihood of prevailing in its assertion that the subject matter of claim 1 would have been obvious over the combination of Hirayama307 and Ren. Further, because claims 2, 4, 5, and 14–17 ultimately depend from claim 1, Petitioner also fails to demonstrate a reasonable likelihood of prevailing in its assertion that the subject matter of those claims would have been obvious over the combination of Hirayama307 and Ren.

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3. Remaining Grounds Involving Hirayama307 and Ren

Petitioner challenges claims 3, 6, 12, and 13 by adding Hirayama878, Allard, or Henckel to the teachings of Ren and Hirayama307 discussed above. Pet. 70–74. Petitioner relies upon Hirayama878, Allard, or Henckel for teaching the added limitations of these dependent claims and, thus, does not remedy the deficiencies of the asserted art with respect to claim 1. Accordingly, for the same reasons discussed above, Petitioner fails to demonstrate a reasonable likelihood of prevailing in its assertion that the subject matter of claims 3, 6, 12, and 13 would have been obvious over the asserted combinations of references.

E. Asserted Obviousness Based on Jermyn

Petitioner asserts that the subject matter of claims 1, 14, and 15 would have been obvious over Jermyn. *See, e.g.*, Pet. 2. Before turning to Petitioner’s arguments, we provide a summary of Jermyn.

1. Jermyn (Ex. 1014)

Jermyn is a paper that focuses on the design and analysis of graphical password schemes for devices such as PDAs. Ex. 1014, 2. According to Jermyn, a graphical password serves the same purpose as a textual password, but consists of drawings alone or in addition to text. *Id.* Jermyn provides an example of a drawing in Figure 2, which we reproduce below.

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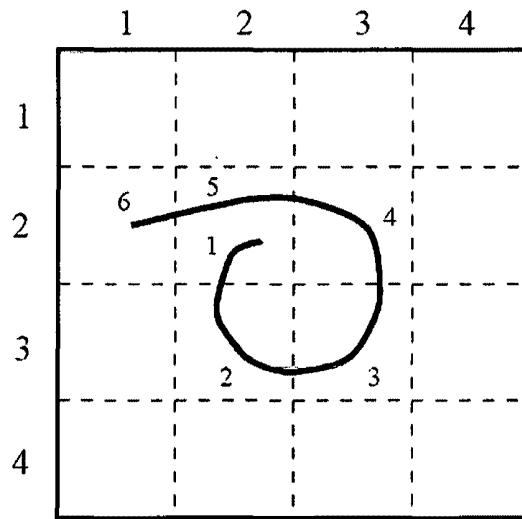


Figure 2 is an input of a graphical password on a 4 x 4 grid. *Id.* at 3. “The drawing is mapped to a sequence of coordinate pairs by listing the cells in the order which the stylus passes through them, with a distinguished coordinate pair inserted in the sequence whenever the stylus is lifted from the drawing surface.” *Id.* at 6. The drawing in Figure 2 has the coordinate sequence (2, 2), (3, 2), (3, 3), (2, 3), (2, 2), (2, 1), (5, 5), with (5, 5) as the “pen up” indicator. *Id.* at 5.

2. Claims 1, 14, and 15

Petitioner asserts that Jermyn discloses or suggests each limitation of claim 1. Pet. 75–83. Petitioner relies on Dr. Bederson’s testimony to support its assertions. *See id.* Patent Owner disagrees, arguing, among other things, that Petitioner fails to show sufficiently that Jermyn discloses certain claim 1 limitations, including “a touch sensitive area in which a representation of a function is provided” and “wherein the representation consists of only one option for activating the function.” Prelim. Resp. 56–70. We focus our analysis on these limitations.

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a. “a touch sensitive area in which a representation of a function is provided”

As to the limitation “a touch sensitive area in which a representation of a function is provided,” Petitioner explains Jermyn discloses that a user can utilize its graphical passwords on any device with a graphical input interface, including a PDA. Pet. 75. Petitioner asserts that the area of the graphical user interface in which a user uses a pen to draw graphical passwords is a “touch sensitive area.” *Id.* (citing Ex. 1002 ¶ 187). Petitioner further asserts that because Jermyn’s rectangular grid is used for drawing a pattern for a graphical password, a person of ordinary skill in the art “would have found it obvious that successful entry of the graphical passwords grants access to PDA resources.” *Id.* at 76 (citing Ex. 1014 §§ 3, 3.1; Ex. 1002 ¶ 188). According to Petitioner, access to PDA resources is a “function” and Jermyn’s rectangular grid is a “representation of a function.” *Id.* (citing Ex. 1014 §§ 3, 3.1; Ex. 1002 ¶ 189).

On this record, Petitioner does not sufficiently show that Jermyn discloses or suggests “a touch sensitive area in which a representation of a function is provided.” Petitioner asserts that gaining access to the PDA’s resources is the recited “function” and the rectangular grid corresponds to the recited “representation of a function.” Petitioner, however, does not explain why one of ordinary skill in the art would have understood Jermyn’s grid to be a “representation of a function.” *See* Pet. 76. Although Petitioner cites Dr. Bederson’s testimony as support, Dr. Bederson does not provide further details or cite to any evidence supporting his testimony. Instead, Dr. Bederson’s testimony mirrors the Petition and adds bare opinion testimony that a user would have understood the password grid as a

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representation. *See* Ex. 1002 ¶ 188. Such bare opinion testimony is of little probative value. *See* 37 C.F.R. § 42.65(a) (opinion testimony that does not disclose underlying facts “is entitled to little or no weight”); *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281, 294 (Fed. Cir. 1985) (a lack of objective support for expert opinion “may render the testimony of little probative value in a validity determination”). As a result, Petitioner fails to show sufficiently that Jermyn discloses or suggests the limitation “a touch sensitive area in which a representation of a function is provided.”

b. “wherein the representation consists of only one option for activating the function,”

As to the limitation “wherein the representation consists of only one option for activating the function,” Petitioner argues that Jermyn’s rectangular grid (i.e., a “representation”) is provided on a graphical input interface for gaining access to PDA resources (i.e., the “function”), which involves a user proving a stroke with a stylus to draw a pattern for the graphical password. Pet. 77 (citing Ex. 1014 §§ 1, 3, 3.1). Because the stylus enables access to PDA resources, Petitioner contends the access is “‘activated by’ use of the stylus.” *Id.* at 77–78 (citing Ex. 1014, Abs.; Ex. 1002 ¶¶ 190–191). Petitioner next contends that “[a]side from strokes, Jermyn does not contemplate other types of input on the rectangular grid for drawing a pattern for a graphical password. . . . For example, Jermyn does not teach using a set of sequential taps on the rectangular grid as a way of inputting a graphical password.” *Id.* at 78 (citing Ex. 1014 §§ 3.1, 3.2). Petitioner concludes that a person of ordinary skill in the art would have understood Jermyn to describe the rectangular grid as proving “only one

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option for activating” access to the PDA resources (i.e., the function). *Id.* (citing Ex. 1002 ¶¶ 192–193).

Petitioner does not make a sufficient showing on this record. Rather, as Patent Owner argues, “Jermyn expressly teaches using tap inputs on the grid as part of the drawn password, or even as the entire password.” Prelim. Resp. 66. For example, Jermyn states that some passwords consist “of a single tap on one of the grid squares.” Ex. 1014, 10. And in Figure 3, which we produce below, Jermyn depicts drawn passwords that appear to include both strokes and taps.

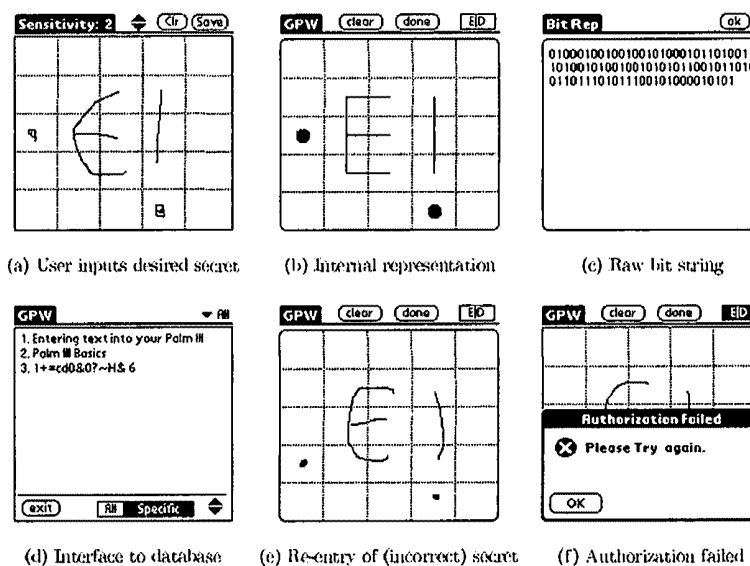
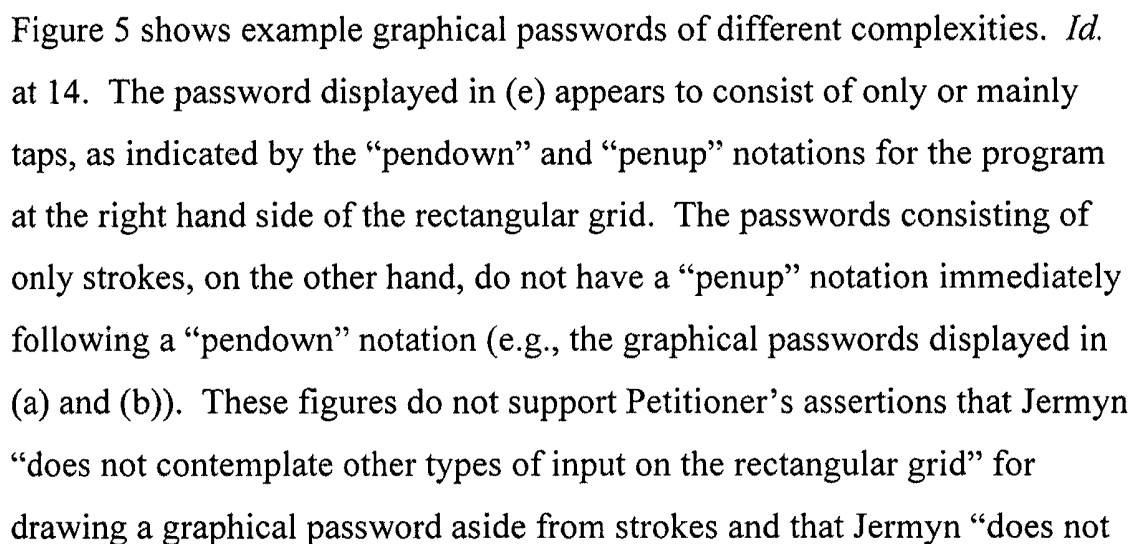


Figure 3 shows creation of a password by drawing it on the display. *Id.* at 8. The password shown in (a) appears to consist of strokes to create the letters and taps to create the dots on the grid. Similarly, Figure 5, which we reproduce below, depicts a number of different graphical passwords, including at least one that appears to consist only of taps.



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teach using a set of sequential taps on the rectangular grid as a way of inputting a graphical password.” Pet. 78. As a result, Petitioner fails to show sufficiently that Jermyn discloses or suggests the limitation “wherein the representation consists of only one option for activating the function.”

c. Conclusion

Petitioner fails to demonstrate a reasonable likelihood of prevailing in its assertion that the subject matter of claim 1 would have been obvious over Jermyn. Further, because claims 14 and 15 depend from claim 1, Petitioner also fails to demonstrate a reasonable likelihood of prevailing in its assertion that the subject matter of those claims would have been obvious over Jermyn.

IV. CONCLUSION

Taking account of the information presented in the Petition and the Preliminary Response, and the evidence of record, we determine that Petitioner fails to demonstrate a reasonable likelihood of prevailing at trial as to any challenged claim. Accordingly, we deny the Petition, and do not institute trial.

V. ORDER

Accordingly, it is

ORDERED that the Petition is *denied*, and no trial is instituted.

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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	01/10/2012	8095879	NEONODE.P004	1226

75660 7590 12/21/2011
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ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
 (application filed on or after May 29, 2000)

The Patent Term Adjustment is 1228 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

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APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Magnus Goertz, Stockholm, SWEDEN;



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BIB DATA SHEET

CONFIRMATION NO. 1226

SERIAL NUMBER 10/315,250	FILING or 371(c) DATE 12/10/2002 RULE	CLASS 715	GROUP ART UNIT 2171	ATTORNEY DOCKET NO. NEONODE.P004	
APPLICANTS Magnus Goertz, Stockholm, SWEDEN; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 01/16/2003					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>Examiner's Signature</u> <input type="checkbox"/> Met after Allowance <u>Initials</u>		STATE OR COUNTRY SWEDEN	SHEETS DRAWINGS 4	TOTAL CLAIMS 18	INDEPENDENT CLAIMS 1
ADDRESS Soquel Group, LLC P.O. Box 691 Soquel, CA 95073 UNITED STATES					
TITLE USER INTERFACE FOR MOBILE HANDHELD COMPUTER UNIT					
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SERIAL NUMBER 10/315,250	FILING OR 371(c) DATE 12/10/2002 RULE	CLASS 715	GROUP ART UNIT 2171	ATTORNEY DOCKET NO. NEONODE.P004
APPLICANTS Magnus Goertz, Stockholm, SWEDEN;				
** CONTINUING DATA *****				
** FOREIGN APPLICATIONS *****				
IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 01/16/2003				
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after met Allowance Verified and Acknowledged _____ Examiner's Signature Initials		STATE OR COUNTRY SWEDEN	SHEETS DRAWING 4	TOTAL CLAIMS 18
				INDEPENDENT CLAIMS 1
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TITLE USER INTERFACE FOR MOBILE HANDHELD COMPUTER UNIT				
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(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226
TITLE OF INVENTION: USER INTERFACE				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	03/01/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
PITARO, RYAN F	2171	715-716000

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☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

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(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Soquel Group LLC
 2. _____
 3. _____

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(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Neonode Inc.

Santa Clara, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

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5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☒ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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Authorized Signature

Marc A. Berger

Date

December 4, 2011

Typed or printed name

Marc A. Berger

Registration No.

44029

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Electronic Patent Application Fee Transmittal

Application Number:	10315250			
Filing Date:	10-Dec-2002			
Title of Invention:	USER INTERFACE			
First Named Inventor/Applicant Name:	Magnus Goertz			
Filer:	Marc Aron Berger			
Attorney Docket Number:	NEONODE.P004			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	1501	1	1740	1740
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				2040

Electronic Acknowledgement Receipt

EFS ID:	11538511
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	USER INTERFACE
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	05-DEC-2011
Filing Date:	10-DEC-2002
Time Stamp:	05:20:43
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 2040
RAM confirmation Number	7645
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Issue Fee Payment (PTO-85B)	NEONODE- P004_FeeTransmittal_12-04-20 11.pdf	1639128 7bfec90db0f48a3a78303af2ba19fc80eb0a 4a73	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31570 94e7b8b5310f4c5e02bb9fd679b3a70bf27f 3aff	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1670698		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

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 P.O. Box 691
 Soquel, CA 95073

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226
TITLE OF INVENTION: USER INTERFACE				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	03/01/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
PITARO, RYAN F	2171	715-716000

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Santa Clara, CA

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Authorized Signature

Marc A. Berger
 Typed or printed name Marc A. Berger

Date

December 4, 2011

Registration No.

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Filing Date:	10-Dec-2002			
Title of Invention:	USER INTERFACE			
First Named Inventor/Applicant Name:	Magnus Goertz			
Filer:	Marc Aron Berger			
Attorney Docket Number:	NEONODE.P004			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	1501	1	1740	1740
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				2040

Electronic Acknowledgement Receipt

EFS ID:	11537889
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	USER INTERFACE
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	04-DEC-2011
Filing Date:	10-DEC-2002
Time Stamp:	07:58:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	NEONODE-P004_CommentsOnStatementsOfReasonsForAllowance_12-04-2011.pdf	55071 077a3bdbc7233a04a5a4b6ef464f75d72ef6df54	no	2

Warnings:**Information:**

2	Issue Fee Payment (PTO-85B)	NEONODE- P004_FeeTransmittal_12-04-20 11.pdf	1639128 7bfec90db0f48a3a78303af2ba19fc80eb0a 4a73	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	31570 9442524ff45187f5e61bcaee13b0c6437dc4 a4e6	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1725769		
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Attorney's Docket No.: NEONODE.P004 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:)	
	)	Examiner: Ryan F. Pitaro
Magnus Goertz)	
	)	Art Unit: 2171
Application No: 10/315,250)	
)	
Filed: December 10, 2002)	
)	
For: USER INTERFACE)	
)	
<hr/>		
Commissioner for Patents		
P. O. Box 1450		
Alexandria, VA 22313-1450		

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In the Notice of Allowability mailed December 1, 2011, the Examiner allowed claims **1 – 14, 18, 48** and **49**. Applicant acknowledges the Examiner's statements of Reasons for Allowance of the above-referenced patent application and agrees that the claimed subject matter is patentable. However, applicant takes no position regarding the Reasons for Allowance presented by the Examiner other than the positions applicant may have previously taken during prosecution. Therefore, the Examiner's Reasons for Allowance should not be attributed to applicant as an indication of the basis for applicant's belief that the claims are patentable. Furthermore, applicant respectfully asserts that there may also be additional reasons for patentability of the claimed subject matter not explicitly stated in this record and applicant does not waive his rights to such arguments by not further addressing such reasons herein.

Respectfully submitted,
SOQUEL GROUP LLC

Dated: December 4, 2011

/Marc A. Berger/
Marc A. Berger
Reg. No. 44,029

P.O. Box 691
Soquel, CA 95073
(831) 426-8200
Customer No. 75660

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75660 7590 12/01/2011
 Soquel Group, LLC
 P.O. Box 691
 Soquel, CA 95073

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226
TITLE OF INVENTION: USER INTERFACE				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	03/01/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
PITARO, RYAN F	2171	715-716000

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Santa Clara, CA

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Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				2040

Electronic Acknowledgement Receipt

EFS ID:	11537894
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
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First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	04-DEC-2011
Filing Date:	10-DEC-2002
Time Stamp:	08:09:12
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	NEONODE-P004_FeeTransmittal_12-04-2011.pdf	1639128 7bfec90db0f48a3a78303af2ba19fc80eb0a4a73	no	1

Warnings:**Information:**

2	Fee Worksheet (SB06)	fee-info.pdf	31570 e9b615149a10803d89a941ef5424db36fce24010	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				1670698	
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PITARO, RYAN F	2171	715-716000				

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1. Soquel Group LLC
 2. _____
 3. _____

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(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Neonode Inc.

Santa Clara, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

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☒ Publication Fee (No small entity discount permitted)
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☐ Payment by credit card. Form PTO-2038 is attached.
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Authorized Signature

Marc A. Berger
 Typed or printed name Marc A. Berger

Date

December 4, 2011

Registration No.

44029

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Electronic Patent Application Fee Transmittal

Application Number:	10315250			
Filing Date:	10-Dec-2002			
Title of Invention:	USER INTERFACE			
First Named Inventor/Applicant Name:	Magnus Goertz			
Filer:	Marc Aron Berger			
Attorney Docket Number:	NEONODE.P004			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	1501	1	1740	1740
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				2040

Electronic Acknowledgement Receipt

EFS ID:	11538121
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	USER INTERFACE
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	04-DEC-2011
Filing Date:	10-DEC-2002
Time Stamp:	17:58:50
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	NEONODE-P004_FeeTransmittal_12-04-2011.pdf	1639128 7bfec90db0f48a3a78303af2ba19fc80eb0a4a73	no	1

Warnings:**Information:**

2	Fee Worksheet (SB06)	fee-info.pdf	31570 c73a229fc0d6bfe1cf1504e1d2035af7c84fb98	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				1670698	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

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 Soquel Group, LLC
 P.O. Box 691
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12/01/2011



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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226

TITLE OF INVENTION: USER INTERFACE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	03/01/2012
EXAMINER	ART UNIT	CLASS-SUBCLASS				
PITARO, RYAN F	2171	715-716000				

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Marc A. Berger

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Typed or printed name

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10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226

TITLE OF INVENTION: USER INTERFACE

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EXAMINER	ART UNIT	CLASS-SUBCLASS				
PITARO, RYAN F	2171	715-716000				

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Typed or printed name Marc A. Berger

Date December 4, 2011

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NOTICE OF ALLOWANCE AND FEE(S) DUE

75660 7590 12/01/2011
 Soquel Group, LLC
 P.O. Box 691
 Soquel, CA 95073

EXAMINER

PITARRO, RYAN F

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 12/01/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/315,250

12/10/2002

Magnus Goertz

NEONODE.P004

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TITLE OF INVENTION: USER INTERFACE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	03/01/2012

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	03/01/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
PITARO, RYAN F	2171	715-716000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226
75660	7590	12/01/2011	EXAMINER	
Soquel Group, LLC P.O. Box 691 Soquel, CA 95073			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2171	
DATE MAILED: 12/01/2011				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
 (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 872 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 872 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No.	Applicant(s)	
	10/315,250	GOERTZ, MAGNUS	
	Examiner	Art Unit	
	RYAN PITARO	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 6/09/2011.
2. ☒ The allowed claim(s) is/are 1-14,18,48 and 49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Application/Control Number: 10/315,250
Art Unit: 2171

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marc Berger on 10/6/2011.

The application has been amended as follows:

1. (currently amended) A non-transitory computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising:

a touch sensitive area in which a representation of a function is provided, wherein the representation consists of only one option for activating the function and wherein the function is activated by a multi-step operation comprising (i) an object touching the touch sensitive area at a location where the representation is provided and then (ii) the object gliding along the touch sensitive area away from the touched location, wherein the representation of the function is not relocated or duplicated during the gliding.

Claims 1-14,18,48-49 are allowed.

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The following is an examiner's statement of reasons for allowance: The prior art is silent in teaching a non-transitory computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising: a touch sensitive area in which a representation of a function is provided, wherein the representation consists of only one option for activating the function and wherein the function is activated by a multi-step operation comprising (i) an object touching the touch sensitive area at a location where the representation is provided and then (ii) the object gliding along the touch sensitive area away from the touched location wherein the representation of the function is not relocated or duplicated during the gliding.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN PITARO whose telephone number is (571)272-

Application/Control Number: 10/315,250

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Art Unit: 2171

4071. The examiner can normally be reached on 9:00am - 5:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chat Do can be reached on 571-272-3721. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan F Pitaro/
Primary Examiner, Art Unit 2171

Notice of References Cited	Application/Control No. 10/315,250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS	
	Examiner RYAN PITARO	Art Unit 2171	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,030,861	04-2006	Westerman et al.	345/173
*	B	US-5,603,053	02-1997	Gough et al.	710/5
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	2	"7441196".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2011/08/28 22:50
L2	818	swipe with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L3	1099	(glide swipe) with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L4	2	"7286063".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L8	263	("20010003845" "20010012286" "20010016947" "20010034647" "20010042002" "20010044751" "20010049824" "20010051903" "20020007309" "20020010642" "20020016750" "20020029339" "20020032782" "20020035174" "20020038256" "20020038259" "20020042914" "20020042921" "20020049631" "20020056098" "20020059590" "20020067376" "20020077177" "20020078006" "20020078453" "20020098834" "20020116292" "20020116320" "20020166122" "20030046182" "20030074661" "20030095525" "20030126607" "20030140017" "20030146940" "20030149628" "20030182195" "20040003412" "20040098747" "20040103439" "20040117831" "20040128137" "20040133848" "20040148625" "20040204116" "20040210824" "20040260689" "20050010949" "20050025550" "20050075932" "20050086690" "20050091118" "20050160458" "20050234895" "20050246231" "20060155598" "20060224987" "20070008332" "3586771" "4650977" "4706121" "4992940" "5041312" "5064999" "5119188" "5236199" "5321749"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50

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"6532312"	"6535888"	"6570582"
"6571279"	"6583800"	"6606103"
"6606280"	"6606347").PN. OR	
("6608633"	"6615247"	"6615248"
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L9	206	touch with slide with function	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L10	13	("4366475" | "4686332" | "4821030" | "4914624" | "5402151" | "5563632" | "5596346" | "5638060" | "5687331" | "5736974" | "5736976" | "5761485" | "5838973").PN.	US- PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L11	190051	object near3 type	US- PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L12	5	(file item object) near3 type with open near3 respective	US- PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L13	1226	open\$3 with different with program	US- PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L14	2	multiple near3 file near3 selection with open	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L15	19	applying with command with (plurality multiple) with files	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L16	34800	(flick stroke) with (open application command)	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2011/08/28 22:50
L17	379	(flick) with (open application command)	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L18	132	(flick) with (open application command) and @ay<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L19	5	(flick) with (open application command) and @ay<="2002" and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L20	40	(flick) and @ay<="2002" and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L21	1002	(flick gesture) and @ay<="2002" and "715"/\$.ccls.	US- PGPUB; USPAT;	OR	ON	2011/08/28 22:50

			EPO; JPO; DERWENT			
L22	2424	(flick gesture slide) and @ay<="2002" and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L23	80	(flick gesture slide) and @ay<="2002" and "715"/702,864.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L24	6603	finger near3 (flick gesture slide) and @ay<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L25	88	finger near3 (flick gesture slide) and @ay<="2002" and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L26	0	"5543591,5943052,5907327,4686332".pn.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
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L28	164921	(glide flick touch swipe) with screen	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L29	24800	(glide flick touch swipe) with screen with (applications functions)	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L30	100	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L31	450	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L32	0	(glide flick swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L33	11	(glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT;	OR	ON	2011/08/28 22:50

			EPO; JPO; DERWENT			
L34	222	(glide flick gesture swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L35	308	(glide flick swipe) with screen and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L36	8	(glide flick swipe) with screen with icon and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L37	16	("20010011308" | "20030142138" | "20040034801" | "20050253817" | "20050253817" | "20050264833" | "5821933" | "5907327" | "6633310").PN.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L38	454	(glide flick swipe) with finger and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L39	3	(glide flick swipe) with finger and @AY<="2002" and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L40	13	("5250929" | "5568604" | "5579036" | "5612719" | "5661476" | "5748185" | "5767457" | "5883617" | "5928304" | "5943043" | "5943044" | "5995083" | "6049328").PN.	US- PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L41	1656	715/716.ccls.	US- PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L42	12	715/716.ccls. and dvd near menu	US- PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L43	15	715/716.ccls. and dvd near menu	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L44	673	715/716.ccls. and dvd	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L45	843	715/716.ccls. and menu	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L46	85	715/716.ccls. and menu and theme	US- PGPUB;	OR	ON	2011/08/28 22:50

			USPAT; USOCR			
L47	439	715/716.ccls. and menu and effects	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L48	9	715/716.ccls. and menu with theme	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L49	1	"7200836".pn.	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L50	1	"20080120546".pn.	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L51	682	715/864.ccls.	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L52	98	715/864.ccls. and keyboard and back and icons and files	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L53	48	715/864.ccls. and keyboard and back and icons and files and removable	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L54	46	715/864.ccls. and keyboard and icons and files and @ay<="2002"	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L55	2	"6346935".pn.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2011/08/28 22:50
L56	22	(glide flick touch swipe) with (coordinat\$7) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L57	450	(touch finger) with (glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L58	0	(touch finger) with (glide flick swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L59	3	(touch finger) with (glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50

L60	2	"6140936".pn.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L61	2	"6346935".pn.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L62	250	files with applications with list with only	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L63	151	(file near list) with (application near list)	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L64	672	(file near view) with application	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L65	21	sort with application near files	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L66	790	(programs application) with files with (sort show list) with only	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L67	80	(programs application) with files with (sort show list) with only and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L68	0	seperate with list with data near type	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L69	7785	list with data near type	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L70	933	list with data near type and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L71	820	application near list and file near list	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50

L72	278	application near list and file near list and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L73	37	icon with drag with activate	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2011/08/28 22:50
L74	189	icon with drag with activat\$7	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L75	70	icon with drag with activat\$7 and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L76	29	bar with drag with activat\$7 and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L77	83	function with drag with activat\$7 and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L78	31	(dock bar) with (glide swipe) with activat\$7	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2011/08/28 22:50
L79	42	(dock bar) with (glide swipe) with activat\$7	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L80	72	(glide swipe) with activat\$7 with (function application program)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L81	24	(glide swipe) with activat\$7 with (function application program) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L82	30	(glide swipe drag) with icon with activat\$7 with (function application program) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L83	2	"7441196".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2011/08/28 22:50

L84	818	swipe with screen	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L85	1099	(glide swipe) with screen	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L86	2	"7286063".pn.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L90	263	("20010003845" | "20010012286" | "20010016947" | "20010034647" | "20010042002" | "20010044751" | "20010049824" | "20010051903" | "20020007309" | "20020010642" | "20020016750" | "20020029339" | "20020032782" | "20020035174" | "20020038256" | "20020038259" | "20020042914" | "20020042921" | "20020049631" | "20020056098" | "20020059590" | "20020067376" | "20020077177" | "20020078006" | "20020078453" | "20020098834" | "20020116292" | "20020116320" | "20020166122" | "20030046182" | "20030074661" | "20030095525" | "20030126607" | "20030140017" | "20030146940" | "20030149628" | "20030182195" | "20040003412" | "20040098747" | "20040103439" | "20040117831" | "20040128137" | "20040133848" | "20040148625" | "20040204116" | "20040210824" | "20040260689" | "20050010949" | "20050025550" | "20050075932" | "20050086690" | "20050091118" | "20050160458" | "20050234895" | "20050246231" | "20060155598" | "20060224987" | "20070008332" | "3586771" | "4650977" | "4706121" | "4992940" | "5041312" | "5064999" | "5119188" | "5236199" | "5321749" | "5353016" | "5410326" | "5479268" | "5532735" | "5553242" | "5559548" | "5598523" | "5602596" | "5617570" | "5625781" | "5710887" | "5727129" | "5734719" | "5758126" | "5794210" | "5796252" | "5801702" | "5809204" | "5819220" | "5822014" | "5828839" | "5832208" | "5832459" | "5838314" | "5848396" | "5851149" | "5874906" | "5878222" | "5890175" | "5893064" | "5895454" | "5896133" | "5900905" | "5902353" | "5903729" | "5911145" | "5918014" | "5918213").PN. OR ("5925103" | "5931901" | "5935002" | "5946381" | "5956681" | "5956693" | "5958012" | "5960411" | "5961593" |	US- PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50

		"5978381" | "5990927" | "6002853" | "6005562" | "6005631" | "6006257" | "6012049" | "6014502" | "6018372" | "6025837" | "6028600" | "6031537" | "6041312" | "6054989" | "6072483" | "6072492" | "6075575" | "6078866" | "6091417" | "6094156" | "6101473" | "6112186" | "6129274" | "6138107" | "6142371" | "6151050" | "6151059" | "6151596" | "6151630" | "6154205" | "6160552" | "6167382" | "6172677" | "6177936" | "6193152" | "6198481" | "6199050" | "6199077" | "6199098" | "6205432" | "6205582" | "6211878" | "6212265" | "6223215" | "6226623" | "6226642" | "6229540" | "6237030" | "6243093" | "6253189" | "6260192" | "6266060" | "6269343" | "6269361" | "6269403" | "6271832" | "6282516" | "6285357" | "6285987" | "6286017" | "6286043" | "6288716" | "6292779" | "6292782" | "6292786" | "6292809" | "6295057" | "6298330" | "6300947" | "6301566" | "6312336" | "6314406" | "6317706" | "6330005" | "6330543" | "6333753" | "6334108" | "6334145" | "6336131" | "6337715" | "6345279" | "6356905" | "6381583" | "6388714" | "6396531" | "6397387" | "6401132" | "6407779" | "6411307" | "6411337" | "6415270" | "6417873" | "6418441" | "6421066" | "6421071" | "6421724" | "6438540" | "6445398" | "6460181" | "6476825" | "6477575" | "6484149" | "6487189" | "6487586" | "6490555" | "6509913" | "6516311" | "6522342" | "6532312" | "6535888" | "6570582" | "6571279" | "6583800" | "6606103" | "6606280" | "6606347").PN. OR ("6608633" | "6615247" | "6615248" | "6618039" | "6631523" | "6636246" | "6647373" | "6662224" | "6680714" | "6684062" | "6692358" | "6704727" | "6711552" | "6714534" | "6728731" | "6769989" | "6804786" | "6826572" | "6829646" | "6857102" | "6868525" | "6907556" | "6925595" | "6928610" | "6938073" | "6973669" | "6978263" | "7013435" | "7020845" | "7051281" | "7174512" | "7293276" | "7383515").PN.				
L91	206	touch with slide with function	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L92	13	("4366475" | "4686332" | "4821030" | "4914624" | "5402151" | "5563632" | "5596346" | "5638060" | "5687331" | "5736974" | "5736976" | "5761485" | "5838973").PN.	US- PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L93	190051	object near3 type	US- PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50

L94	5	(file item object) near3 type with open near3 respective	US-PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L95	1226	open\$3 with different with program	US-PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L96	2	multiple near3 file near3 selection with open	US-PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L97	19	applying with command with (plurality multiple) with files	US-PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L98	34800	(flick stroke) with (open application command)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2011/08/28 22:50
L99	379	(flick) with (open application command)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L100	132	(flick) with (open application command) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L101	5	(flick) with (open application command) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L102	40	(flick) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L103	1002	(flick gesture) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L104	2424	(flick gesture slide) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L105	80	(flick gesture slide) and @ay<="2002" and "715"/702,864.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L106	6603	finger near3 (flick gesture slide) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO;	OR	ON	2011/08/28 22:50

			DERWENT			
L107	88	finger near3 (flick gesture slide) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L108	0	"5543591,5943052,5907327,4686332".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L109	9	("5543591" "5943052" "5907327" "4686332").pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L110	164921	(glide flick touch swipe) with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L111	24800	(glide flick touch swipe) with screen with (applications functions)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L112	100	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L113	450	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L114	0	(glide flick swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L115	11	(glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L116	222	(glide flick gesture swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L117	308	(glide flick swipe) with screen and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L118	8	(glide flick swipe) with screen with icon and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO;	OR	ON	2011/08/28 22:50

			DERWENT			
L119	16	("20010011308" | "20030142138" | "20040034801" | "20050253817" | "20050253817" | "20050264833" | "5821933" | "5907327" | "6633310").PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L120	454	(glide flick swipe) with finger and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L121	3	(glide flick swipe) with finger and @AY<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L122	13	("5250929" | "5568604" | "5579036" | "5612719" | "5661476" | "5748185" | "5767457" | "5883617" | "5928304" | "5943043" | "5943044" | "5995083" | "6049328").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L123	1656	715/716.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L124	12	715/716.ccls. and dvd near menu	US-PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L125	15	715/716.ccls. and dvd near menu	US-PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L126	673	715/716.ccls. and dvd	US-PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L127	843	715/716.ccls. and menu	US-PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L128	85	715/716.ccls. and menu and theme	US-PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L129	439	715/716.ccls. and menu and effects	US-PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L130	9	715/716.ccls. and menu with theme	US-PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L131	1	"7200836".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L132	1	"20080120546".pn.	US-PGPUB;	OR	ON	2011/08/28 22:50

			USPAT; USOCR			
L133	682	715/864.ccls.	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L134	98	715/864.ccls. and keyboard and back and icons and files	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L135	48	715/864.ccls. and keyboard and back and icons and files and removable	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L136	46	715/864.ccls. and keyboard and icons and files and @ay<="2002"	US- PGPUB; USPAT; USOCR	OR	ON	2011/08/28 22:50
L137	2	"6346935".pn.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2011/08/28 22:50
L138	22	(glide flick touch swipe) with (coordinat\$7) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L139	450	(touch finger) with (glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L140	0	(touch finger) with (glide flick swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L141	3	(touch finger) with (glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L142	2	"6140936".pn.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L143	2	"6346935".pn.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L144	250	files with applications with list with only	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L145	151	(file near list) with (application near list)	US-	OR	ON	2011/08/28


			PGPUB; USPAT; EPO; JPO; DERWENT			22:50
L146	672	(file near view) with application	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L147	21	sort with application near files	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L148	790	(programs application) with files with (sort show list) with only	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L149	80	(programs application) with files with (sort show list) with only and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L150	0	seperate with list with data near type	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L151	7785	list with data near type	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L152	933	list with data near type and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L153	820	application near list and file near list	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L154	278	application near list and file near list and @ay<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L155	2	"20030160832".pn.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2011/08/28 22:50
L156	4870	touch with (flick gesture slide swipe across) and @ay<"2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L157	4635	touch with (flick slide swipe across) and	US-	OR	ON	2011/08/28

		@ay< "2002"	PGPUB; USPAT; EPO; JPO; DERWENT			22:50
L158	2804	touch with (flick slide swipe) and @ay< "2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L159	2780	touch with (slide swipe) and @ay< "2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L160	56	touch with (swipe) and @ay< "2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L161	1015	touch near2 (flick slide swipe across) and @ay< "2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L162	2	touch near2 (flick slide swipe across) with activate and @ay< "2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L163	30	touch near2 (flick slide swipe across) with function and @ay< "2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L164	2	"5053758".pn.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L165	33	touch near2 (flick glide slide swipe across) with function and @ay< "2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L166	3	touch near2 (glide) with function and @ay< "2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L167	34	neonode.as.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L168	10458	(glide flick touch swipe) with icon	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L169	49984	(glide flick touch swipe) with	US-	OR	ON	2011/08/28

		(representation icon function)	PGPUB; USPAT; EPO; JPO; DERWENT			22:50
L170	3457	(glide flick touch swipe) with (representation icon function) with (activate activation open start)	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L171	1038	(glide flick touch swipe) with (representation icon function) with (activate activation open start) and @ay<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L172	105	(glide flick touch swipe) with (representation icon function) with (activate activation open start) and @ay<="2002" and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L173	122	(glide flick touch swipe slide) with (representation icon function) with (activate activation open start) and @ay<="2002" and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L174	122	(glide flick touch swipe slide) with (representation icon function) with (activate activation open start unlock) and @ay<="2002" and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L175	226	(glide flick touch swipe slide drag) with (representation icon function) with (activate activation open start unlock) and @ay<="2002" and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L176	2	touch near2 (flick slide swipe across glide) with activate and @ay<"2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L177	1	touch near4 (flick slide swipe across glide) with activate with (icon button) and @ay<"2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L178	2424	(flick gesture slide) and @ay<="2002" and "715"/\$.ccls.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L179	11	(glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L180	1656	715/716.ccls.	US- PGPUB; USPAT; USOCR	OR	OFF	2011/08/28 22:50
L181	682	715/864.ccls.	US- PGPUB;	OR	ON	2011/08/28 22:50

			USPAT; USOCR			
L182	3	(touch finger) with (glide flick swipe) with screen and "715"/\$.cls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L183	33	(touch finger) with (glide flick swipe slide) with screen and "715"/\$.cls. and @AY<="2002"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L184	16	("20010002694" | "20010022579" | "20010026268" | "20010028344" | "20010055006" | "4790028" | "5053758" | "5283558").PN.	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50
L193	6	"1459245"	US- PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/08/28 22:50

8/ 28/ 2011 10:58:20 PM
C:\ Users\ rpitaro\ Documents\ EAST\ Workspaces\ 10315250.wsp

Search Notes 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

SEARCHED

Class	Subclass	Date	Examiner
Update	Search	11/8/2007	RFP
Update	Search	6/17/2008	RFP
Update	Search	12/21/2008	RFP
Update	Search	4/22/2009	RFP
Update	Search	11/20/2009	RFP
Update	Search	5/22/2010	RFP
Update	Search	6/5/2011	RFP
Update	Search	8/25/2011	RFP
Update	Search	10/18/2011	RFP

SEARCH NOTES

Search Notes	Date	Examiner
Update Search	11/8/2007	RFP
Update Search	6/17/2008	RFP
EAST	12/21/2008	RFP
Internet	12/21/2008	RFP
Safari Online Books	12/21/2008	RFP
IEEE	12/21/2008	RFP
ACM	12/21/2008	RFP
Update Search	4/22/2009	RFP
Update Search	11/20/2009	RFP
Update Search	5/22/2010	RFP
Internet Search	5/22/2010	RFP
Update Search	6/5/2011	RFP
STIC Search	6/5/2011	RFP
Fast and Focus Search	6/5/2011	RFP
Update Search	8/25/2011	RFP
Update Search	10/18/2011	RFP

INTERFERENCE SEARCH


Class	Subclass	Date	Examiner
Interference	Search	6/5/2011	RFP
Update	Search	8/25/2011	RFP

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INTERFERENCE SEARCH


Class	Subclass	Date	Examiner
Update	Search	10/18/2011	RFP

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<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174


✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47				
CLAIM		DATE								
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	2	✓	✓	✓	✓	✓	✓	=	=	
	3	✓	✓	✓	✓	✓	✓	=	=	
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	16	✓	✓	✓	✓	✓	✓	✓	-	
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	18	✓	✓	✓	✓	✓	✓	=	=	
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	20		÷	N	-			-	-	
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	36		÷	N	-			-	-	

<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47				
CLAIM		DATE								
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	47		÷	N	-			-	-	
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Issue Classification 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner RYAN PITARO	Art Unit 2171

ORIGINAL						INTERNATIONAL CLASSIFICATION													
CLASS		SUBCLASS				CLAIMED					NON-CLAIMED								
715		716				G	0	6	F	3 / 00 (2006.01.01)									
CROSS REFERENCE(S)																			
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																		
715	864	702																	

<input checked="" type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47															
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2	2	15	18		34										
3	3		19		35										
4	4		20		36										
5	5		21		37										
6	6		22		38										
7	7		23		39										
8	8		24		40										
9	9		25		41										
10	10		26		42										
11	11		27		43										
12	12		28		44										
13	13		29		45										
14	14		30		46										
	15		31		47										
	16		32	16	48										

NONE		Total Claims Allowed:	
		17	
(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/RYAN PITARO/ Primary Examiner.Art Unit 2171	8/25/2011	1	13
(Primary Examiner)	(Date)		

Attorney's Docket No.: NEONODE.P004 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:)	
	)	Examiner: Ryan F. Pitaro
Magnus Goertz)	
	)	Art Unit: 2174
Application No: 10/315,250)	
)	
Filed: December 10, 2002)	
)	
For: USER INTERFACE FOR)	
MOBILE HANDHELD)	
COMPUTER UNIT)	
_____)	

Mail Stop AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION
UNDER 37 C.F.R. §1.111

Sir:

In response to the Office Action dated June 7, 2011,
applicant respectfully requests that the above-identified application be
amended as follows.

IN THE CLAIMS:

Please cancel claims **15** and **16** without prejudice.

Please substitute the following claims for the pending claims with the same number:

1. (previously presented) A non-transitory computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising:

a touch sensitive area in which a representation of a function is provided, wherein the representation consists of only one option for activating the function and wherein the function is activated by a multi-step operation comprising (i) an object touching the touch sensitive area at a location where the representation is provided and then (ii) the object gliding along the touch sensitive area away from the touched location.

2. (previously presented) The computer readable medium of claim **1**, wherein the function, when activated, causes the user interface to display icons representing different services or settings for a currently active application.

3. (previously presented) The computer readable medium of claim **2**, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a display icon corresponding to the preferred service or setting.

4. (previously presented) The computer readable medium of claim **1**, wherein the function, when activated, causes the user interface to display a keyboard and a text field.

5. (previously presented) The computer readable medium of claim **4**, wherein said text field is used for inputting and editing of text through said keyboard.

6. (previously presented) The computer readable medium of claim **1**, wherein the function, when activated, causes the user interface to display a list with a library of available applications and files on the mobile handheld computer unit.

7. (previously presented) The computer readable medium of claim **6**, wherein the user interface is characterised in, that a selection of an application or file is done by gliding the object along said touch sensitive area so that a representation of a desired one of said application or file is highlighted, raising said object from said touch sensitive area, and then tapping on said touch sensitive area.

8. (previously presented) The computer readable medium of claim **7**, wherein the user interface is characterised in, that at any given time said list presents only files or only applications, and that an area of said list presents a field through which said list can be changed from presenting files to presenting applications, or from presenting applications to presenting files.

9. (previously presented) The computer readable medium of claim **7**, wherein the user interface is characterised in, that, one item in said list is highlighted by a moveable marking, and the user interface enables list navigation whereby gliding the object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list causes said marking to move in the same direction without scrolling the list.

10. (previously presented) The computer readable medium of claim **9**, wherein the user interface is characterised in, that, if the number of applications or files in said list exceeds the number of applications or files that can be presented on said touch sensitive area as content, and if the object is (i) glided along said touch sensitive area to the top or bottom of said touch sensitive area, then (ii) raised above said touch sensitive area, then (iii) replaced on said touch sensitive area, and then (iv) again glided along said touch sensitive area to the top or bottom of said touch sensitive area, said list navigation pages the content of said list up or down by one whole page.

11. (previously presented) The computer readable medium of claim **10**, wherein the user interface is characterised in, that if the object is raised from any first position on said touch sensitive area and then replaced on any second position on said touch sensitive area, said list navigation can be continued from said second position.

12. (previously presented) The computer readable medium of claim **1**, wherein the user interface is characterised in, that an active application, function, service or setting is advanced one step by gliding the object

along the touch sensitive area from left to right, and that the active application, function, service or setting is closed or backed one step by gliding the object along the touch sensitive area from right to left.

13. (previously presented) The computer readable medium of claim **1**, wherein the user interface is characterised in, that said representation of said function is located at the bottom of said touch sensitive area.

14. (previously presented) The computer readable medium of claim **1**, wherein the touch sensitive area is 2-3 inches in diagonal dimension.

15. – 17. (cancelled)

18. (previously presented) The computer readable medium of claim **1**, characterised in, that said computer program code is adapted to function as a shell upon an operating system.

19. – 47. (cancelled)

48. (previously presented) The computer readable medium of claim **1**, wherein the representation is finger-sized.

49. (previously presented) The computer readable medium of claim **1**, wherein the location where the representation is provided does not provide touch functionality for a different function.

REMARKS

Applicant has carefully studied the outstanding Office Action. The present amendment is intended to place the application in condition for allowance and is believed to overcome all of the objections and rejections made by the Examiner. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant has canceled claims **15** and **16**. Claims **1** – **14**, **18**, **48** and **49** are presented for examination.

On page 2 of the Office Action, the Examiner has indicated that claims **1** – **14**, **18**, **48** and **49** are allowed.

On page 2 of the Office Action, the Examiner has rejected claims **15** and **16** under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant has cancelled these claims without acquiescence to the Examiner's reasons for rejection, and respectfully submits that rejection of these claims is thus rendered moot.

For the foregoing reasons, applicant respectfully submits that the applicable objections and rejections have been overcome and that the claims are in condition for allowance.

If any matters can be resolved by telephone, applicant requests that the Patent and Trademark Office please contact applicant's representative at the telephone number listed below.

Respectfully submitted,
SOQUEL GROUP LLC

Dated: June 9, 2011

/Marc A. Berger/

Marc A. Berger
Reg. No. 44,029

P.O. Box 691
Soquel, CA 95073
(831) 426-8200
Customer No. 75660

Electronic Acknowledgement Receipt

EFS ID:	10265265
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	09-JUN-2011
Filing Date:	10-DEC-2002
Time Stamp:	08:58:11
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		NEONODE-P004_Amendment_06-09-2011.pdf	63432 33616fd06dcba15b17916e3029cd6b9ed0d29acd	yes	7

	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	7

Warnings:

Information:

Total Files Size (in bytes):	63432
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/315,250		Filing Date 12/10/2002		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=	OR	X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	06/09/2011	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 17	Minus	** 47	=	0	OR	X \$	=	
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 8	=	0	OR	X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=		OR	X \$	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		OR	X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/JERMAINE MINOR/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226
75660	7590	06/07/2011	EXAMINER	
Soquel Group, LLC P.O. Box 691 Soquel, CA 95073			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2171	
			MAIL DATE	DELIVERY MODE
			06/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/315,250

Applicant(s)

GOERTZ, MAGNUS

Examiner

RYAN PITARO

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18, 48 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14, 18, 48 and 49 is/are allowed.
- 6) ☒ Claim(s) 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/21/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

Application/Control Number: 10/315,250
Art Unit: 2171

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Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/30/2010 has been entered.

Allowable Subject Matter

Claims 1-14,18,48-49 are allowed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Response to Arguments

Applicant's arguments, filed 6/30/2010, with respect to claims 1-14,18 have been fully considered and are persuasive. The rejections of claims 1-14,18 have been withdrawn.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN PITARO whose telephone number is (571)272-4071. The examiner can normally be reached on 9:00am - 5:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chat Do can be reached on 571-272-3721. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan F Pitaro/
Primary Examiner, Art Unit 2171

Application/Control Number: 10/315,250
Art Unit: 2171

Page 4

Notice of References Cited	Application/Control No. 10/315,250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS	
	Examiner RYAN PITARO	Art Unit 2171	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,880,724	02-2011	Nguyen et al.	345/168
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	9854	(glide flick touch swipe) with icon	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:26
L2	47832	(glide flick touch swipe) with (representation icon function)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:27
L3	3314	(glide flick touch swipe) with (representation icon function) with (activate activation open start)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:27
L4	1037	(glide flick touch swipe) with (representation icon function) with (activate activation open start) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:27
L5	104	(glide flick touch swipe) with (representation icon function) with (activate activation open start) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:27
L6	121	(glide flick touch swipe slide) with (representation icon function) with (activate activation open start) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:29
L7	121	(glide flick touch swipe slide) with (representation icon function) with (activate activation open start unlock) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:29
L8	224	(glide flick touch swipe slide drag) with (representation icon function) with (activate activation open start unlock) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:30
L9	2	touch near2 (flick slide swipe across glide) with activate and @ay<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:32

L10	1	touch near4 (flick slide swipe across glide) with activate with (icon button) and @ay<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:33
L11	2422	(flick gesture slide) and @ay<"2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:33
L12	11	(glide flick swipe) with screen and "715"/\$.ccls. and @AY<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:33
L13	1592	715/716.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/06/06 08:33
L14	659	715/864.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2011/06/06 08:33
L15	3	(touch finger) with (glide flick swipe) with screen and "715"/\$.ccls. and @AY<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:34
L16	33	(touch finger) with (glide flick swipe slide) with screen and "715"/\$.ccls. and @AY<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2011/06/06 08:34
S1	2	"7441196".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2008/12/08 17:03
S2	394	swipe with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/08 17:05
S3	606	(glide swipe) with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/08 17:05
S4	2	"7286063".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/08 17:10

S5	263	("20010003845" "20010012286" "20010016947" "20010034647" "20010042002" "20010044751" "20010049824" "20010051903" "20020007309" "20020010642" "20020016750" "20020029339" "20020032782" "20020035174" "20020038256" "20020038259" "20020042914" "20020042921" "20020049631" "20020056098" "20020059590" "20020067376" "20020077177" "20020078006" "20020078453" "20020098834" "20020116292" "20020116320" "20020166122" "20030046182" "20030074661" "20030095525" "20030126607" "20030140017" "20030146940" "20030149628" "20030182195" "20040003412" "20040098747" "20040103439" "20040117831" "20040128137" "20040133848" "20040148625" "20040204116" "20040210824" "20040260689" "20050010949" "20050025550" "20050075932" "20050086690" "20050091118" "20050160458" "20050234895" "20050246231" "20060155598" "20060224987" "20070008332" "3586771" "4650977" "4706121" "4992940" "5041312" "5064999" "5119188" "5236199" "5321749" "5353016" "5410326" "5479268" "5532735" "5553242" "5559548" "5598523" "5602596" "5617570" "5625781" "5710887" "5727129" "5734719" "5758126" "5794210" "5796252" "5801702" "5809204" "5819220" "5822014" "5828839" "5832208" "5832459" "5838314" "5848396" "5851149" "5874906" "5878222" "5890175" "5893064" "5895454" "5896133" "5900905" "5902353" "5903729" "5911145" "5918014" "5918213").PN. OR ("5925103" "5931901" "5935002" "5946381" "5956681" "5956693" "5958012" "5960411" "5961593" "5978381" "5990927" "6002853" "6005562" "6005631" "6006257" "6012049" "6014502" "6018372" "6025837" "6028600" "6031537" "6041312" "6054989" "6072483" "6072492" "6075575" "6078866" "6091417" "6094156" "6101473" "6112186" "6129274"	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:12
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		"6138107" "6142371" "6151050" "6151059" "6151596" "6151630" "6154205" "6160552" "6167382" "6172677" "6177936" "6193152" "6198481" "6199050" "6199077" "6199098" "6205432" "6205582" "6211878" "6212265" "6223215" "6226623" "6226642" "6229540" "6237030" "6243093" "6253189" "6260192" "6266060" "6269343" "6269361" "6269403" "6271832" "6282516" "6285357" "6285987" "6286017" "6286043" "6288716" "6292779" "6292782" "6292786" "6292809" "6295057" "6298330" "6300947" "6301566" "6312336" "6314406" "6317706" "6330005" "6330543" "6333753" "6334108" "6334145" "6336131" "6337715" "6345279" "6356905" "6381583" "6388714" "6396531" "6397387" "6401132" "6407779" "6411307" "6411337" "6415270" "6417873" "6418441" "6421066" "6421071" "6421724" "6438540" "6445398" "6460181" "6476825" "6477575" "6484149" "6487189" "6487586" "6490555" "6509913" "6516311" "6522342" "6532312" "6535888" "6570582" "6571279" "6583800" "6606103" "6606280" "6606347").PN. OR ("6608633" "6615247" "6615248" "6618039" "6631523" "6636246" "6647373" "6662224" "6680714" "6684062" "6692358" "6704727" "6711552" "6714534" "6728731" "6769989" "6804786" "6826572" "6829646" "6857102" "6868525" "6907556" "6925595" "6928610" "6938073" "6973669" "6978263" "7013435" "7020845" "7051281" "7174512" "7293276" "7383515").PN.				
S6	112	touch with slide with function	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/08 17:14
S7	13	("4366475" | "4686332" | "4821030" | "4914624" | "5402151" | "5563632" | "5596346" | "5638060" | "5687331" | "5736974" | "5736976" | "5761485" | "5838973").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:18

S8	168267	object near3 type	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:21
S9	5	(file item object) near3 type with open near3 respective	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:21
S10	905	open\$3 with different with program	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:23
S11	2	multiple near3 file near3 selection with open	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/08 17:29
S12	11	applying with command with (plurality multiple) with files	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/08 17:29
S13	29188	(flick stroke) with (open application command)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2008/12/10 16:52
S14	229	(flick) with (open application command)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:54
S15	127	(flick) with (open application command) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:56
S16	5	(flick) with (open application command) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:56
S17	39	(flick) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:57
S18	961	(flick gesture) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:58
S19	2324	(flick gesture slide) and @ay<="2002" and "715"/\$. ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:58
S20	77	(flick gesture slide) and @ay<="2002" and "715"/702,864.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:59

S21	6585	finger near3 (flick gesture slide) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 17:07
S22	86	finger near3 (flick gesture slide) and @ay<="2002" and "715"/\$.cls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 17:07
S23	0	"5543591,5943052,5907327,4686332".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 17:14
S24	8	("5543591" "5943052" "5907327" "4686332").pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 17:15
S25	93647	(glide flick touch swipe) with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:18
S26	13098	(glide flick touch swipe) with screen with (applications functions)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:20
S27	88	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.cls. and @AY="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:20
S28	430	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.cls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:20
S29	0	(glide flick swipe) with screen with (applications functions) and "715"/\$.cls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:21
S30	11	(glide flick swipe) with screen and "715"/\$.cls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:21
S31	219	(glide flick gesture swipe) with screen and "715"/\$.cls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:22

S32	299	(glide flick swipe) with screen and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:25
S33	8	(glide flick swipe) with screen with icon and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:26
S34	16	("20010011308" | "20030142138" | "20040034801" | "20050253817" | "20050253817" | "20050264833" | "5821933" | "5907327" | "6633310").PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:30
S35	451	(glide flick swipe) with finger and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:32
S36	3	(glide flick swipe) with finger and @AY<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:32
S37	13	("5250929" | "5568604" | "5579036" | "5612719" | "5661476" | "5748185" | "5767457" | "5883617" | "5928304" | "5943043" | "5943044" | "5995083" | "6049328").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/17 14:01
S38	918	715/716.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/17 15:38
S39	7	715/716.ccls. and dvd near menu	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/17 15:38
S40	9	715/716.ccls. and dvd near menu	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:38
S41	334	715/716.ccls. and dvd	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:47
S42	461	715/716.ccls. and menu	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:47
S43	39	715/716.ccls. and menu and theme	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:48
S44	243	715/716.ccls. and menu and effects	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:52

S45	4	715/716.ccls. and menu with theme	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:53
S46	1	"7200836".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:56
S47	1	"20080120546".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:57
S48	433	715/864.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/21 23:26
S49	60	715/864.ccls. and keyboard and back and icons and files	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/21 23:27
S50	25	715/864.ccls. and keyboard and back and icons and files and removable	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/21 23:27
S51	42	715/864.ccls. and keyboard and icons and files and @ay<="2002"	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/21 23:28
S52	2	"6346935".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/07/05 14:20
S53	21	(glide flick touch swipe) with (coordinat\$7) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/05 14:24
S54	437	(touch finger) with (glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/05 14:26
S55	0	(touch finger) with (glide flick swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/05 14:26
S56	3	(touch finger) with (glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/05 14:27
S57	2	"6140936".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/05 23:13

S58	2	"6346935".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 10:24
S59	187	files with applications with list with only	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 10:28
S60	98	(file near list) with (application near list)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 10:34
S61	502	(file near view) with application	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 10:36
S62	15	sort with application near files	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:14
S63	613	(programs application) with files with (sort show list) with only	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:18
S64	55	(programs application) with files with (sort show list) with only and "715"/\$.cls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:18
S65	0	seperate with list with data near type	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:19
S66	5796	list with data near type	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:19
S67	652	list with data near type and "715"/\$.cls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:19
S68	596	application near list and file near list	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:20

S69	271	application near list and file near list and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:22
S70	31	icon with drag with activate	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/11/20 14:29
S71	148	icon with drag with activat\$7	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:29
S72	68	icon with drag with activat\$7 and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:30
S73	29	bar with drag with activat\$7 and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:36
S74	81	function with drag with activat\$7 and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:37
S75	26	(dock bar) with (glide swipe) with activat\$7	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/11/20 14:43
S76	34	(dock bar) with (glide swipe) with activat\$7	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:43
S77	54	(glide swipe) with activat\$7 with (function application program)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:46
S78	24	(glide swipe) with activat\$7 with (function application program) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:47
S79	30	(glide swipe drag) with icon with activat\$7 with (function application program) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:48

S80	2	"7441196".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/11/20 15:14
S81	503	swipe with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S82	734	(glide swipe) with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S83	2	"7286063".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S84	263	("20010003845" | "20010012286" | "20010016947" | "20010034647" | "20010042002" | "20010044751" | "20010049824" | "20010051903" | "20020007309" | "20020010642" | "20020016750" | "20020029339" | "20020032782" | "20020035174" | "20020038256" | "20020038259" | "20020042914" | "20020042921" | "20020049631" | "20020056098" | "20020059590" | "20020067376" | "20020077177" | "20020078006" | "20020078453" | "20020098834" | "20020116292" | "20020116320" | "20020166122" | "20030046182" | "20030074661" | "20030095525" | "20030126607" | "20030140017" | "20030146940" | "20030149628" | "20030182195" | "20040003412" | "20040098747" | "20040103439" | "20040117831" | "20040128137" | "20040133848" | "20040148625" | "20040204116" | "20040210824" | "20040260689" | "20050010949" | "20050025550" | "20050075932" | "20050086690" | "20050091118" | "20050160458" | "20050234895" | "20050246231" | "20060155598" | "20060224987" | "20070008332" | "3586771" | "4650977" | "4706121" | "4992940" | "5041312" | "5064999" | "5119188" | "5236199" | "5321749" | "5353016" | "5410326" | "5479268" | "5532735" | "5553242" | "5559548" | "5598523" | "5602596" | "5617570" | "5625781" | "5710887" | "5727129" | "5734719" | "5758126" |	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14

"5794210"	"5796252"	"5801702"	"5809204"
"5819220"	"5822014"	"5828839"	"5832208"
"5832459"	"5838314"	"5848396"	"5851149"
"5874906"	"5878222"	"5890175"	"5893064"
"5895454"	"5896133"	"5900905"	"5902353"
"5903729"	"5911145"	"5918014"	"5918213").PN.
OR ("5925103"	"5931901"	"5935002"	"5946381"
"5956681"	"5956693"	"5958012"	"5960411"
"5961593"	"5978381"	"5990927"	"6002853"
"6005562"	"6005631"	"6006257"	"6012049"
"6014502"	"6018372"	"6025837"	"6028600"
"6031537"	"6041312"	"6054989"	"6072483"
"6072492"	"6075575"	"6078866"	"6091417"
"6094156"	"6101473"	"6112186"	"6129274"
"6138107"	"6142371"	"6151050"	"6151059"
"6151596"	"6151630"	"6154205"	"6160552"
"6167382"	"6172677"	"6177936"	"6193152"
"6198481"	"6199050"	"6199077"	"6199098"
"6205432"	"6205582"	"6211878"	"6212265"
"6223215"	"6226623"	"6226642"	"6229540"
"6237030"	"6243093"	"6253189"	"6260192"
"6266060"	"6269343"	"6269361"	"6269403"
"6271832"	"6282516"	"6285357"	"6285987"
"6286017"	"6286043"	"6288716"	"6292779"
"6292782"	"6292786"	"6292809"	"6295057"
"6298330"	"6300947"	"6301566"	"6312336"
"6314406"	"6317706"	"6330005"	"6330543"
"6333753"	"6334108"	"6334145"	"6336131"
"6337715"	"6345279"	"6356905"	"6381583"
"6388714"	"6396531"	"6397387"	"6401132"
"6407779"	"6411307"	"6411337"	"6415270"
"6417873"	"6418441"	"6421066"	"6421071"
"6421724"	"6438540"	"6445398"	"6460181"
"6476825"	"6477575"	"6484149"	"6487189"
"6487586"	"6490555"	"6509913"	"6516311"
"6522342"	"6532312"	"6535888"	"6570582"
"6571279"	"6583800"	"6606103"	"6606280"
"6606347").PN.	OR ("6608633"	"6615247"	
"6615248"	"6618039"	"6631523"	"6636246"

		"6647373" | "6662224" | "6680714" | "6684062" | "6692358" | "6704727" | "6711552" | "6714534" | "6728731" | "6769989" | "6804786" | "6826572" | "6829646" | "6857102" | "6868525" | "6907556" | "6925595" | "6928610" | "6938073" | "6973669" | "6978263" | "7013435" | "7020845" | "7051281" | "7174512" | "7293276" | "7383515").PN.				
S85	131	touch with slide with function	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S86	13	("4366475" | "4686332" | "4821030" | "4914624" | "5402151" | "5563632" | "5596346" | "5638060" | "5687331" | "5736974" | "5736976" | "5761485" | "5838973").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
S87	175604	object near3 type	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
S88	5	(file item object) near3 type with open near3 respective	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
S89	997	open\$3 with different with program	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
S90	2	multiple near3 file near3 selection with open	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S91	12	applying with command with (plurality multiple) with files	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S92	30944	(flick stroke) with (open application command)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/11/20 15:14
S93	261	(flick) with (open application command)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S94	131	(flick) with (open application command) and @ay< = "2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14

S95	5	(flick) with (open application command) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S96	39	(flick) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S97	981	(flick gesture) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S98	2372	(flick gesture slide) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S99	78	(flick gesture slide) and @ay<="2002" and "715"/702,864.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S100	6588	finger near3 (flick gesture slide) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S101	87	finger near3 (flick gesture slide) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S102	0	"5543591,5943052,5907327,4686332".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S103	8	("5543591" "5943052" "5907327" "4686332").pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S104	113453	(glide flick touch swipe) with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S105	16322	(glide flick touch swipe) with screen with (applications functions)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14

S106	92	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S107	439	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S108	0	(glide flick swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S109	11	(glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S110	219	(glide flick gesture swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S111	302	(glide flick swipe) with screen and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S112	8	(glide flick swipe) with screen with icon and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S113	16	("20010011308" | "20030142138" | "20040034801" | "20050253817" | "20050253817" | "20050264833" | "5821933" | "5907327" | "6633310").PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S114	452	(glide flick swipe) with finger and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S115	3	(glide flick swipe) with finger and @AY<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S116	13	("5250929" | "5568604" | "5579036" | "5612719" | "5661476" | "5748185" | "5767457" | "5883617" | "5928304" | "5943043" | "5943044" | "5995083" | "6049328").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14

S117	1144	715/716.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
S118	8	715/716.ccls. and dvd near menu	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
S119	10	715/716.ccls. and dvd near menu	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S120	429	715/716.ccls. and dvd	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S121	587	715/716.ccls. and menu	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S122	55	715/716.ccls. and menu and theme	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S123	311	715/716.ccls. and menu and effects	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S124	6	715/716.ccls. and menu with theme	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S125	1	"7200836".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S126	1	"20080120546".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S127	504	715/864.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S128	69	715/864.ccls. and keyboard and back and icons and files	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S129	29	715/864.ccls. and keyboard and back and icons and files and removable	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S130	44	715/864.ccls. and keyboard and icons and files and @ay<="2002"	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
S131	2	"6346935".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/11/20 15:14

S132	21	(glide flick touch swipe) with (coordinat\$7) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S133	439	(touch finger) with (glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S134	0	(touch finger) with (glide flick swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S135	3	(touch finger) with (glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S136	2	"6140936".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S137	2	"6346935".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S138	195	files with applications with list with only	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S139	102	(file near list) with (application near list)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S140	535	(file near view) with application	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S141	16	sort with application near files	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S142	632	(programs application) with files with (sort show list) with only	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14

S143	57	(programs application) with files with (sort show list) with only and "715"/\$.cls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S144	0	seperate with list with data near type	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S145	6088	list with data near type	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S146	684	list with data near type and "715"/\$.cls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S147	635	application near list and file near list	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S148	273	application near list and file near list and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
S149	2	"20030160832".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/11/20 15:43
S150	4858	touch with (flick gesture slide swipe across) and @ay<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2010/05/23 17:18
S151	4625	touch with (flick slide swipe across) and @ay<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2010/05/23 17:19
S152	2801	touch with (flick slide swipe) and @ay<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2010/05/23 17:19
S153	2777	touch with (slide swipe) and @ay<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2010/05/23 17:19

S154	54	touch with (swipe) and @ay<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2010/05/23 17:20
S155	1011	touch near2 (flick slide swipe across) and @ay<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2010/05/23 17:20
S156	2	touch near2 (flick slide swipe across) with activate and @ay<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2010/05/23 17:21
S157	29	touch near2 (flick slide swipe across) with function and @ay<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2010/05/23 17:21
S158	2	"5053758".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2010/05/23 17:33
S159	32	touch near2 (flick glide slide swipe across) with function and @ay<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2010/05/23 17:36
S160	3	touch near2 (glide) with function and @ay<"2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2010/05/23 17:36
S161	8	neonode.as.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2010/05/23 17:56


EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L17	0	touch with glide with activat\$7.clm.	USPAT; UPAD	OR	ON	2011/06/06 08:36
L18	9	touch with glide .clm.	USPAT; UPAD	OR	ON	2011/06/06 08:36
L19	0	touch with glide with away .clm.	USPAT; UPAD	OR	ON	2011/06/06 08:37
L20	91	glide with away .clm.	USPAT; UPAD	OR	ON	2011/06/06 08:37

L21	27	glide with activat\$7.clm.	USPAT; UPAD	OR	ON	2011/06/06 08:37
L22	333	slide with unlock.clm.	USPAT; UPAD	OR	ON	2011/06/06 08:39
L23	1	slide with unlock with touch.clm.	USPAT; UPAD	OR	ON	2011/06/06 08:40


6/ 6/ 11 8:40:39 AM

C:\Documents and Settings\RPitaro\My Documents\EAST\Workspaces\10315250.wsp

<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174


✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47				
CLAIM		DATE								
Final	Original	11/09/2007	06/23/2008	12/21/2008	07/06/2009	11/20/2009	05/23/2010	06/06/2011		
	1	✓	✓	✓	✓	✓	✓	=		
	2	✓	✓	✓	✓	✓	✓	=		
	3	✓	✓	✓	✓	✓	✓	=		
	4	✓	✓	✓	✓	✓	✓	=		
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	6	✓	✓	✓	✓	✓	✓	=		
	7	✓	✓	✓	✓	✓	✓	=		
	8	✓	✓	✓	✓	✓	✓	=		
	9	✓	✓	✓	✓	✓	✓	=		
	10	✓	✓	✓	✓	✓	✓	=		
	11	✓	✓	✓	✓	✓	✓	=		
	12	✓	✓	✓	✓	✓	✓	=		
	13	✓	✓	✓	✓	✓	✓	=		
	14	✓	✓	✓	✓	✓	✓	=		
	15	✓	✓	✓	✓	✓	✓	✓		
	16	✓	✓	✓	✓	✓	✓	✓		
	17	✓	✓	✓	-	-	-	-		
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	20		÷	N	-			-		
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	32		÷	N	-			-		
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	34		÷	N	-			-		
	35		÷	N	-			-		
	36		÷	N	-			-		

<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
Final	Original	11/09/2007	06/23/2008	12/21/2008	07/06/2009	11/20/2009	05/23/2010	06/06/2011	
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Search Notes 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

SEARCHED

Class	Subclass	Date	Examiner
Update	Search	11/8/2007	RFP
Update	Search	6/17/2008	RFP
Update	Search	12/21/2008	RFP
Update	Search	4/22/2009	RFP
Update	Search	11/20/2009	RFP
Update	Search	5/22/2010	RFP
Update	Search	6/5/2011	RFP

SEARCH NOTES

Search Notes	Date	Examiner
Update Search	11/8/2007	RFP
Update Search	6/17/2008	RFP
EAST	12/21/2008	RFP
Internet	12/21/2008	RFP
Safari Online Books	12/21/2008	RFP
IEEE	12/21/2008	RFP
ACM	12/21/2008	RFP
Update Search	4/22/2009	RFP
Update Search	11/20/2009	RFP
Update Search	5/22/2010	RFP
Internet Search	5/22/2010	RFP
Update Search	6/5/2011	RFP
STIC Search	6/5/2011	RFP
Fast and Focus Search	6/5/2011	RFP

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner
Interference	Search	6/5/2011	RFP

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Doc code: IDS

PTO/SB/08a (01-10)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10315250	
	Filing Date		2002-12-10	
	First Named Inventor	Magnus Goertz		
	Art Unit	2174		
	Examiner Name	PITARO, RYAN F		
	Attorney Docket Number	NEONODE.P004		

U.S.PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
/R.P./	1	4790028	B1	1988-12-06	Ramage		
/R.P./	2	5053758	B1	1991-10-01	Cornett et al.		
/R.P./	3	5283558	B1	1994-02-01	Chan		
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U.S.PATENT APPLICATION PUBLICATIONS							Remove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
/R.P./	1	20010002694	A1	2001-06-07	Nakazawa et al.		
/R.P./	2	20010022579	A1	2001-09-20	Hirabayashi		
/R.P./	3	20010026268	A1	2001-10-04	Ito		

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10315250
Filing Date	2002-12-10
First Named Inventor	Magnus Goertz
Art Unit	2174
Examiner Name	PITARO, RYAN F
Attorney Docket Number	NEONODE.P004

/R.P./	4	20010028344	A1	2001-10-11	Iwamoto et al.	
/R.P./	5	20010055006	A1	2001-12-27	Sano et al.	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		<input type="checkbox"/>

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Examiner Signature	/Ryan Pitaro/	Date Considered	06/06/2011
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

Electronic Acknowledgement Receipt

EFS ID:	10190005
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	29-MAY-2011
Filing Date:	10-DEC-2002
Time Stamp:	02:18:45
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Applicant summary of interview with examiner	NEONODE-P004_SummaryOfInterview.pdf	40187 6af1a4526010a27c2e1f40a8043afc23d5d2aa83	no	1

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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PLUS Search Results for S/N 10315250, Searched Thu May 12 15:25:52 EDT 2011

The Patent Linguistics Utility System (PLUS) is a USPTO automated search system for U.S. Patents from 1971 to the present PLUS is a query-by-example search system which produces a list of patents that are most closely related linguistically to the application searched. This search was prepared by the staff of the Scientific and Technical Information Center, SIRA.

5434777 99	7539864 99
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226
75660	7590	05/11/2011	EXAMINER	
Soquel Group, LLC			PITARO, RYAN F	
P.O. Box 691				
Soquel, CA 95073				
			ART UNIT	PAPER NUMBER
			2171	
			MAIL DATE	DELIVERY MODE
			05/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No. 10/315,250	Applicant(s) GOERTZ, MAGNUS	
	Examiner RYAN F. PITARO	Art Unit 2171	

All participants (applicant, applicant's representative, PTO personnel):

(1) RYAN F. PITARO. (3) ____.

(2) Marc Berger. (4) ____.

Date of Interview: 05 May 2011.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: ____.

Claim(s) discussed: 1.

Identification of prior art discussed: Nakajima, Hoshino, Hirshberg, Carlson, Venolia.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Differences between the prior art of record and the claimed application were discussed in view of the claim amendments. Agreement was reached that the prior art fails to teach the claimed amendments.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Ryan F Pitaro/ Primary Examiner, Art Unit 2171	
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Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Doc code: IDS

PTO/SB/08a (01-10)

Doc description: Information Disclosure Statement (IDS) Filed

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10315250
	Filing Date		2002-12-10
	First Named Inventor	Magnus Goertz	
	Art Unit	2174	
	Examiner Name	PITARO, RYAN F	
	Attorney Docket Number	NEONODE.P004	

U.S.PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	4790028	B1	1988-12-06	Ramage		
	2	5053758	B1	1991-10-01	Cornett et al.		
	3	5283558	B1	1994-02-01	Chan		
If you wish to add additional U.S. Patent citation information please click the Add button.							Add
U.S.PATENT APPLICATION PUBLICATIONS							Remove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	20010002694	A1	2001-06-07	Nakazawa et al.		
	2	20010022579	A1	2001-09-20	Hirabayashi		
	3	20010026268	A1	2001-10-04	Ito		

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10315250
Filing Date	2002-12-10
First Named Inventor	Magnus Goertz
Art Unit	2174
Examiner Name	PITARO, RYAN F
Attorney Docket Number	NEONODE.P004

4	20010028344	A1	2001-10-11	Iwamoto et al.	
5	20010055006	A1	2001-12-27	Sano et al.	

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	1		<input type="checkbox"/>

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EXAMINER SIGNATURE

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10315250
Filing Date	2002-12-10
First Named Inventor	Magnus Goertz
Art Unit	2174
Examiner Name	PITARO, RYAN F
Attorney Docket Number	NEONODE.P004

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Marc A. Berger/	Date (YYYY-MM-DD)	2010-12-21
Name/Print	Marc A. Berger	Registration Number	44029

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The information provided by you in this form will be subject to the following routine uses:

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	10315250			
Filing Date:	10-Dec-2002			
Title of Invention:	User interface			
First Named Inventor/Applicant Name:	Magnus Goertz			
Filer:	Marc Aron Berger			
Attorney Docket Number:	NEONODE.P004			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

Electronic Acknowledgement Receipt

EFS ID:	9089252
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	21-DEC-2010
Filing Date:	10-DEC-2002
Time Stamp:	16:55:29
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	4428
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Information Disclosure Statement (IDS) Filed (SB/08)	NEONODE_P004_IDS_21-21-20 10.pdf	612501 8ef76d2e00ddbb8597c930c2ddbcbb8540f ffe87	no	4
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	29922 49fe21e0e32f592761922206a1e56413a53a 5a0b	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			642423		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)**

Application Number	10315250	Filing Date	2002-12-10	Docket Number (if applicable)	NEONODE.P004	Art Unit	2174
First Named Inventor	Magnus Goertz			Examiner Name	Ryan F. Pitaro		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☐ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	/Marc A. Berger/	Date (YYYY-MM-DD)	2010-06-30
Name	Marc A. Berger	Registration Number	44029

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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Attorney's Docket No.: NEONODE.P004 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:)	
	)	Examiner: Ryan F. Pitaro
Magnus Goertz)	
	)	Art Unit: 2174
Application No: 10/315,250)	
)	
Filed: December 10, 2002)	
)	
For: USER INTERFACE FOR)	
MOBILE HANDHELD)	
COMPUTER UNIT)	
_____)	

Mail Stop AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION
UNDER 37 C.F.R. §1.111

Sir:

 In response to the Final Office Action dated May 28, 2010, applicant respectfully requests that the above-identified application be amended as follows.

IN THE CLAIMS:

Please substitute the following claims for the pending claims with the same number:

1. (currently amended) A non-transitory computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising:

a touch sensitive area in which ~~representations a~~ representation of ~~at least one a~~ function are displayed, and each function of said ~~at least one function being mapped to a corresponding location in the touch sensitive area at which the representation of the function is displayed, and being~~ is provided, wherein the representation consists of only one option for activating the function and wherein the function is activated by a multi-step operation comprising (i) an object touching the ~~corresponding touch sensitive area at a location where the representation is provided~~ touch sensitive area at a location where the representation is provided and then (ii) the object gliding along the touch sensitive area away from the touched location.

2. (currently amended) The computer readable medium of claim **1**, wherein ~~one function from the at least one~~ function, when activated, causes the user interface to display icons representing different services or settings for a currently active application.

3. (previously presented) The computer readable medium of claim **2**, wherein the user interface is characterised in, that a selection of a

preferred service or setting is done by tapping on a display icon corresponding to the preferred service or setting.

4. (currently amended) The computer readable medium of claim **1**, wherein ~~one function from at least one~~ the function, when activated, causes the user interface to display a keyboard and a text field.

5. (previously presented) The computer readable medium of claim **4**, wherein said text field is used for inputting and editing of text through said keyboard.

6. (currently amended) The computer readable medium of claim **1**, wherein ~~one function from the at least one~~ function, when activated, causes the user interface to display a list with a library of available applications and files on the mobile handheld computer unit.

7. (previously presented) The computer readable medium of claim **6**, wherein the user interface is characterised in, that a selection of an application or file is done by gliding the object along said touch sensitive area so that a representation of a desired one of said application or file is highlighted, raising said object from said touch sensitive area, and then tapping on said touch sensitive area.

8. (previously presented) The computer readable medium of claim **7**, wherein the user interface is characterised in, that at any given time said list presents only files or only applications, and that an area of said list presents a field through which said list can be changed from presenting

files to presenting applications, or from presenting applications to presenting files.

9. (previously presented) The computer readable medium of claim **7**, wherein the user interface is characterised in, that, one item in said list is highlighted by a moveable marking, and the user interface enables list navigation whereby gliding the object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list causes said marking to move in the same direction without scrolling the list.

10. (previously presented) The computer readable medium of claim **9**, wherein the user interface is characterised in, that, if the number of applications or files in said list exceeds the number of applications or files that can be presented on said touch sensitive area as content, and if the object is (i) glided along said touch sensitive area to the top or bottom of said touch sensitive area, then (ii) raised above said touch sensitive area, then (iii) replaced on said touch sensitive area, and then (iv) again glided along said touch sensitive area to the top or bottom of said touch sensitive area, said list navigation pages the content of said list up or down by one whole page.

11. (previously presented) The computer readable medium of claim **10**, wherein the user interface is characterised in, that if the object is raised from any first position on said touch sensitive area and then replaced on any second position on said touch sensitive area, said list navigation can be continued from said second position.

12. (previously presented) The computer readable medium of claim **1**, wherein the user interface is characterised in, that an active application, function, service or setting is advanced one step by gliding the object along the touch sensitive area from left to right, and that the active application, function, service or setting is closed or backed one step by gliding the object along the touch sensitive area from right to left.

13. (currently amended) The computer readable medium of claim **1**, wherein the user interface is characterised in, that said ~~representations~~ representation of said ~~at least one~~ function ~~[[are]]~~ is located at the bottom of said touch sensitive area.

14. (previously presented) The computer readable medium of claim **1**, wherein the touch sensitive area is 2-3 inches in diagonal dimension.

15. (previously presented) An enclosure adapted to cover the mobile handheld computer unit according to Claim **1**, characterised in, that said enclosure is provided with an opening for said touch sensitive area.

16. (previously presented) The enclosure according to Claim **15**, characterised in, that said enclosure is removable and exchangeable.

17. (cancelled)

18. (previously presented) The computer readable medium of claim **1**, characterised in, that said computer program code is adapted to function as a shell upon an operating system.

19. – 47. (cancelled)

Please add the following new claims.

48. (new) The computer readable medium of claim **1**, wherein the representation is finger-sized.

49. (new) The computer readable medium of claim **1**, wherein the location where the representation is provided does not provide touch functionality for a different function.

REMARKS

Applicant has carefully studied the outstanding Office Action. The present amendment is intended to place the application in condition for allowance and is believed to overcome all of the objections and rejections made by the Examiner. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant has amended claim **1, 2, 4, 6** and **13** and added new claims **48** and **49** to properly claim the present invention. No new matter has been introduced. Support for the new and amended claims is provided hereinbelow. Claims **1 – 16, 18, 48** and **49** are presented for examination.

In Paragraphs 2 and 3 of the Office Action, the Examiner has rejected claim **1** under 35 U.S.C. §103(a) as being unpatentable over Nakajima et al., U.S. Patent No. 6,346,935 (“Nakajima”) in view of Hoshino et al., U.S. Publ. No. 2004/0021643 (“Hoshino”) in view of Hirshberg, U.S. Publ. No. 2002/0027549 (“Hirshberg”).

In Paragraph 4 of the Office Action, the Examiner has rejected claims **2 – 11, 14 – 16** and **18** under 35 U.S.C. §103(a) as being unpatentable over Nakajima and Hoshino in view of Hirshberg in view of Pogue, Palm Pilot: The Ultimate Guide, 2nd Edition (“Pogue”).

In Paragraph 5 of the Office Action, the Examiner has rejected claims **12** and **13** under 35 U.S.C. §103(a) as being unpatentable over Nakajima in view of Pogue, in view of Hoshino, in view of Hirshberg, in view of O’Rourke, US Patent No. 7,225,408 (“O’Rourke”).

Brief Discussion of Prior Art

Nakajima, Rogue and O'Rourke are discussed in applicant's response filed on July 13, 2009. Hoshino is discussed in applicant's response filed on February 22, 2010.

Hirshberg describes a touch screen user interface for a compact multi-functional keypad that is operated using a finger. Hirshberg addresses the problem of how to provide the 40 – 60 different keys required for a full alphanumeric keypad on a small surface that cannot reasonably accommodate so many keys (Hirschberg/ par. [0050]). Hirshberg describes grouping several characters (typically 4 – 6 characters) in a single key. As such, the number of required keys is reduced, and can fit in the available display area on a handheld device (Hirshberg/ par. [0051]).

To enter a character, a user first touches a key representing several characters, and then drags his finger in a specific direction to select one of the several characters. Thus, at par. [0055], Hirshberg recites:

In multi-function key [sic] the first touch on the key activate [sic] the key and the relative trace ... is selecting the appropriate function among the functions associated with the selected key.

Response to Examiner's Arguments

In rejecting independent claim **1** in Paragraph 3 of the Office Action, the Examiner has cited par. [0031] of Hirshberg as teaching a multi-step operation comprising an object touching a corresponding location and then the object gliding along the touch sensitive area away from the touched location.

Applicant respectfully submits that Hirshberg teaches a touch and glide operation only for keys that comprise several characters.

On the contrary, for single character keys Hirshberg teaches using a conventional touch operation without a glide (Hirshberg/ pars. [0055] and [0074]). Thus, at par. [0055], Hirshberg recites:

In the case of one function a regular touch operation activate [sic] the function.

Further, at par. [0074], Hirshberg recites:

... a single-function mode wherein a single function is elected on contact with a given key, independent of the direction of motion.

In distinction, the claimed invention uses a multi-step touch-and-glide operation for representations that consist of only one option for activating a function.

In order to further distinguish the claimed invention over Hirshberg, applicant has amended claim **1** to include the limitation that the representation of the function consists of only one option for activating the function.

The rejections of the claims **1 – 16** and **18** in paragraphs 2 - 5 of the Office Action will now be dealt with specifically.

As to amended independent claim **1** for a computer readable medium, applicant respectfully submits, as indicated hereinabove, that the limitation in claim **1** of

*"wherein the representation **consists of only one option for activating the function** and wherein the function is activated by **a multi-step operation** comprising (i) an object **touching** the touch sensitive area at a location where the representation is provided and then (ii) the object **gliding along the touch sensitive area away from the touched location**"*

is neither shown nor suggested in Nakajima, Hoshino, Hirshberg, Pogue or O'Rourke.

Because claims **2 – 16, 18, 48** and **49** depend from claim **1** and include additional features, applicant respectfully submits that claims **2 – 16, 18, 48** and **49** are not anticipated or rendered obvious by Nakajima, Hoshino, Hirshberg, Pogue, O'Rourke, or a combination of Nakajima, Hoshino, Hirshberg, Pogue and O'Rourke.

Accordingly claims **1, 2 – 16, 18, 48** and **49** are deemed to be allowable.

Support for New and Amended Claims in Original Specification

Independent claim **1** for a computer readable medium has been amended to include the limitation of a representation consisting of only one option for activating a function. This limitation is supported in the original specification at least by the Abstract, by representations 21 – 23 of FIG. 1, by FIG. 2 and its description at pars. [0045] – [0047] and by par. [0068].

Applicant notes that each representation 21 – 23, shown in FIG. 1 of the original specification, consists of only one option for activating its corresponding function. Indeed, element 21 consists of the one option of displaying icons as appropriate for a currently active application, as described at par. [0048] and shown in FIG. 3 of the original specification. Element 22 consists of the one option of opening a keypad and text window, as described at par. [0052] and shown in FIG. 5 of the original specification. Element 23 consists of the one option of opening a list of computer system applications and files, as described at par. [0058] and shown in FIG. 6 of the original specification. Moreover, each of these one-option elements is activated by a multi-step touch-and-glide operation, as described at pars. [0016] and [0047] of the original specification.

New dependent claim **48** includes the limitation that the representation of the function is finger-sized. This limitation is supported in the original specification at least at par. [0047] and FIG. 2, which shows that a representation 21, 22 or 23 is activated by a user's thumb; and at FIG. 5, which shows that representations 21, 22 and 23 are approximately the same size as the numeral keys of keyboard 221.

New dependent claim **49** includes the limitation that the location where the representation is provided does not provide touch functionality for a different function. This limitation is supported in the original specification at least at FIG. 1, which shows that the locations of the representations 21, 22, 23 are non-overlapping.

For the foregoing reasons, applicant respectfully submits that the applicable objections and rejections have been overcome and that the claims are in condition for allowance.

If any matters can be resolved by telephone, applicant requests that the Patent and Trademark Office please contact the applicant at the telephone number listed below.

Respectfully submitted,

Dated: June 30, 2010

/Marc A. Berger/
Marc A. Berger
Reg. No. 44,029

P.O. Box 691
Soquel, CA 95073
(831) 426-8200

Electronic Patent Application Fee Transmittal

Application Number:	10315250			
Filing Date:	10-Dec-2002			
Title of Invention:	User interface			
First Named Inventor/Applicant Name:	Magnus Goertz			
Filer:	Marc Aron Berger			
Attorney Docket Number:	NEONODE.P004			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	1801	1	810	810
Total in USD (\$)				810

Electronic Acknowledgement Receipt

EFS ID:	7922718
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	30-JUN-2010
Filing Date:	10-DEC-2002
Time Stamp:	10:48:58
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$810
RAM confirmation Number	20811
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Request for Continued Examination (RCE)	NEONODEP004RCE_06-30-2010.pdf	767940 a8f96a89a04f24517d988b5bd4362e13368cf08c	no	3
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Information:					
2		NEONODEP004Amendment_06-30-2010.pdf	84752 2e7240a4650f4127041d01fdad89d9af9ffdc513	yes	11
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	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	11	
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	29863 1385dd50828cd3accc63ccca08dfc0e4899ce2e6	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			882555		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

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This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226
75660	7590	05/28/2010	EXAMINER	
Soquel Group, LLC P.O. Box 691 Soquel, CA 95073			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2174	
			MAIL DATE	DELIVERY MODE
			05/28/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/315,250

Applicant(s)

GOERTZ, MAGNUS

Examiner

RYAN F. PITARO

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/16/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. This action is in response to the amendment filed 2/22/2010. This action is final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al ("Nakajima", 6,346,935) in view of Hoshino et al ("Hoshino", US 20040021643) in view of Hirshberg ("Hirshberg", US 2002/0027549).

As per claim 1, Nakajima teaches a computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising: a touch sensitive area in which representations of a plurality of functions are displayed (Column 15 lines 1-9, *function signs*), and each function of said plurality of functions being mapped to a corresponding location in the touch sensitive area at which the representation of the function is displayed (Column 15 lines 1-9, *stops moving finger*). Nakajima teaches gliding over the

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icon Column 15 lines 1-15, *stops moving finger then glides finger to lightly press surface* but fails to distinctly point out touching the icon and gliding away. However, Hoshino teaches an icon being activated by an object touching the corresponding location and then gliding along the touch sensitive area away from the location ([0092]-[0093], drag and drop operation may be used in combination with a push in operation for activating a function). Therefore it would have been obvious at the time of the invention to combine the teaching of Hoshino with the medium of Nakajima. Motivation to do so would have been to apply a known technique to a known system in order to yield advantageous and predictable results.

Nakajima-Hoshino fails to distinctly point out an object touching a location then the object gliding along the area away from the location to activate a function. However, Hirshberg teaches a multi-step operation comprising an object touching the corresponding location and then the object gliding along the touch sensitive area away from the touched location ([0031]).

Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Hirshberg with the medium of Nakajima-Hoshino.

Motivation to do so would have been to provide a compact multifunctional keypad which would not require great precision of use and which could be conveniently and effectively operated by use of the finger.

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4. Claims 2-11,14-16,18 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al (“Nakajima”, 6,346,935) and Hoshino et al (“Hoshino”, US 20040021643) in view of Hirshberg (“Hirshberg”, US 2002/0027549) in view of Rogue (“Rogue”, Palm Pilot: The Ultimate Guide, 2nd Edition).

As per claim 2, Nakajima-Hoshino-Hirshberg fails to particularly disclose a function to display a plurality of functions. However, Rogue teaches a computer readable medium of claim 1, wherein one function from the plurality of functions, when activated, causes the user interface to display icons representing different services or settings for a currently active application (Figure 1.2-1.3, *Preferences*).Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Rogue with the medium of Nakajima. Motivation to do so would have been to provide a way to reduce screen clutter and only access the applications when needed.

As per claim 3, Nakajima-Hoshino-Hirshberg-Rogue teaches a computer readable medium of claim 2, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a display icon corresponding to the preferred service or setting (Nakajima, Column 18 lines 30-40, tap).

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As per claim 4, Nakajima-Hoshino-Hirshberg-Rogue teaches a computer readable medium of claim 1, wherein one function from the plurality of functions, when activated, causes the user interface to display a keyboard and a text field (Rogue, Figure 2.5, power stroke up, Figure 2.6).

As per claim 5, Nakajima-Hoshino-Hirshberg-Rogue teaches a wherein said text field is used for inputting and editing of text through said keyboard (Nakajima, Figure 2.6).

As per claim 6, Nakajima-Hoshino-Hirshberg-Rogue fails to teach a computer readable medium of claim 1, OFFICIAL NOTICE is taken that file listing is well know in the art. It is extremely common to see a list of functions and files listed, as in directories. Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching with the medium of Nakajima-Hoshino -Rogue. Motivation to do so would have been to provide a user with a list of options.

As per claim 7, Nakajima-Hoshino-Hirshberg-Rogue teaches a computer readable medium of claim 6, wherein the user interface is characterised in, that a selection of an application or file is done by gliding the object along said touch sensitive area so that a representation of a desired one of said application or file is highlighted,

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raising said object from said touch sensitive area, and then tapping on said touch sensitive area (Nakajima, Column 18 lines 40-56).

As per claim 8, Nakajima-Hoshino-Hirshberg-Rogue fails to teach presenting only files or only applications. However OFFICIAL NOTICE is taken that file sorting is well known in the art. It is extremely common to sort a list of functions and files listed by data type. Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching with the medium of Nakajima-Rogue. Motivation to do so would have been to provide a user with a specific list of filtered options.

As per claim 9, Nakajima-Hoshino-Hirshberg-Rogue teaches a computer readable medium of claim 7, wherein the user interface is characterised in, that, one item in said list is highlighted by a moveable marking, and gliding the object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list, causes said marking to move in the same direction without scrolling the list (Rogue, Figure 1.4, using the menu).

As per claim 10, Nakajima-Hoshino-Hirshberg-Rogue teaches a computer readable medium of claim 9, wherein the user interface is characterised in, that, if the number of applications or files in said list exceeds the number of applications or files that can be presented on said touch sensitive area as content, and if the object is (i) glided along said touch sensitive area to the top or bottom position of said touch

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sensitive area, then (ii) raised above said touch sensitive area, then (iii) replaced on said touch sensitive area, and then (iv) again glided along said touch sensitive area to the top or bottom of said touch sensitive area, said list navigation pages the content of said list up or down one whole page (Nakajima, Column 14 lines 45-57 and Column 2 lines 15-23, wherein Nakajima is an absolute pointing device and a swipe from the top of the page to the bottom will result in a refresh by a whole page).

As per claim 11, Nakajima-Hoshino-Hirshberg-Rogue teaches a computer readable medium of claim 10, wherein the user interface is characterised in, that if the object is raised from any first position on said touch sensitive area and then replaced on any second position on said touch sensitive area, said navigation can be continued from said second position (Nakajima, Column 14 lines 45-57).

As per claim 14, while Nakajima-Hoshino-Hirshberg-Rogue fails to teach a touch sensitive area is 2-3 inches. OFFICIAL NOTICE is taken that screen sizes vary and screens with a touch sensitive area of 2-3 inches diagonally is well known in the art. Therefore it would have been obvious to an artisan at the time of the invention to combine the screen size with the medium of Nakajima-Hoshino -Rogue. Motivation to do so would have been to provide adequate size to operate the touch screen while keeping it small enough to fit in a pocket.

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As per claim 15, Nakajima-Hoshino-Hirshberg-Rogue teaches a enclosure adapted to cover the mobile handheld computer unit according to Claim 1, characterised in, that said enclosure is provided with an opening for said touch sensitive area (Rogue, Figure 1.1).

As per claim 16, Nakajima-Hoshino-Hirshberg-Rogue fails to teach an enclosure is removable and exchangeable. OFFICIAL NOTICE is taken that an enclosure is removable and exchangeable is well known in the art. Therefore it would have been obvious to an artisan at the time of the invention to combine the exchangeable enclosure with the medium of Nakajima-Rogue. Motivation to do so would have been to provide a way to style your mobile device so that it can be personalized to a user's taste.

As per claim 18, Nakajima-Hoshino-Hirshberg-Rogue teaches a computer readable medium according to Claim 1, characterised in, that said computer program product is adapted to function as a shell upon an operations system (Rogue, 1.1 Palm Pilot Basics).

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5. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al (“Nakajima”, 6,346,935) in view of Rogue (“Rogue”, Palm Pilot: The Ultimate Guide, 2nd Edition), Hoshino et al (“Hoshino”, US 20040021643) and Hirshberg (“Hirshberg”, US 2002/0027549) in view of O’Rourke (O’Rourke, US 7,225,408).

As per claim 12, Nakajima-Hoshino-Hirshberg-Rogue teaches a computer readable medium of claim 1, wherein the user interface is characterized in, that an active application, function, service or setting is moved on one step by gliding the object along the touch sensitive area from left to right (Nakajima, Column 14 lines 45-57). However, Nakajima-Hoshino-Hirshberg-Rogue t fails to distinctly point out closing or backing one step. However, O’Rourke teaches that the active application, function, service or setting is closed or backed one step (Figure 13, right and left arrows). Therefore it would have been obvious to an artisan at the time of the invention to combine the glide functionality with the forward and backward functionality of O’Rourke. Motivation to do so would have been to provide an easy way to traverse the GUI.

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As per claim 13, Nakajima-Hoshino-Hirshberg-Rogue t-O'Rourke teaches a computer readable medium of claim 1, wherein the user interface is characterized in, that said representations of said plurality of functions are located at the bottom of said touch sensitive area (O'Rourke, Figure 13, icons at bottom right) .

Response to Arguments

Applicant's arguments with respect to claims 1-16,18 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner notes that the factual assertions set forth under OFFICIAL NOTICE in the previous office action have not been contested.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN F. PITARO whose telephone number is (571)272-4071. The examiner can normally be reached on 9:00am - 5:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan F Pitaro/
Examiner, Art Unit 2174

Notice of References Cited	Application/Control No. 10/315,250		Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS	
	Examiner RYAN F. PITARO		Art Unit 2174	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2002/0027549	03-2002	Hirshberg, David	345/168
*	B	US-7,159,763	01-2007	Yap et al.	235/375
*	C	US-7,006,077	02-2006	Uusimaki, Matti	345/173
*	D	US-6,597,345	07-2003	Hirshberg, David	345/168
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			


FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	P					
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NON-PATENT DOCUMENTS


*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174


✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
Final	Original	11/09/2007	06/23/2008	12/21/2008	07/06/2009	11/20/2009	05/23/2010		
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<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant										<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
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Search Notes 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

SEARCHED

Class	Subclass	Date	Examiner
Update	Search	11/8/2007	RFP
Update	Search	6/17/2008	RFP
Update	Search	12/21/2008	RFP
Update	Search	4/22/2009	RFP
Update	Search	11/20/2009	RFP
Update	Search	5/22/2010	RFP

SEARCH NOTES

Search Notes	Date	Examiner
Update Search	11/8/2007	RFP
Update Search	6/17/2008	RFP
EAST	12/21/2008	RFP
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Update Search	4/22/2009	RFP
Update Search	11/20/2009	RFP
Update Search	5/22/2010	RFP
Internet Search	5/22/2010	RFP

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

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Doc code: IDS

PTO/SB/08a (01-10)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10315250	
	Filing Date		2002-12-10	
	First Named Inventor	Magnus Goertz		
	Art Unit	2174		
	Examiner Name	Ryan F. Pitaro		
	Attorney Docket Number	NEONODE.P004		

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/R.P./	1	6639584	B1	2003-10-28	Li	

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10315250
Filing Date	2002-12-10
First Named Inventor	Magnus Goertz
Art Unit	2174
Examiner Name	Ryan F. Pitaro
Attorney Docket Number	NEONODE.P004

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Examiner Signature	/Ryan Pitaro/	Date Considered	05/26/2010
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Doc code: IDS

PTO/SB/08a (01-10)

Doc description: Information Disclosure Statement (IDS) Filed

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10315250	
	Filing Date		2002-12-10	
	First Named Inventor	Magnus Goertz		
	Art Unit	2174		
	Examiner Name	Ryan F. Pitaro		
	Attorney Docket Number	NEONODE.P004		

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10315250
	Filing Date		2002-12-10
	First Named Inventor	Magnus Goertz
Art Unit	2174
Examiner Name	Ryan F. Pitaro
Attorney Docket Number	NEONODE.P004

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10315250
Filing Date	2002-12-10
First Named Inventor	Magnus Goertz
Art Unit	2174
Examiner Name	Ryan F. Pitaro
Attorney Docket Number	NEONODE.P004

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

- ☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- ☐ See attached certification statement.
- ☒ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- ☐ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Marc A. Berger/	Date (YYYY-MM-DD)	2010-03-16
Name/Print	Marc A. Berger	Registration Number	44029

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Electronic Patent Application Fee Transmittal

Application Number:	10315250			
Filing Date:	10-Dec-2002			
Title of Invention:	User interface			
First Named Inventor/Applicant Name:	Magnus Goertz			
Filer:	Marc Aron Berger			
Attorney Docket Number:	NEONODE.P004			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

Electronic Acknowledgement Receipt

EFS ID:	7214152
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	16-MAR-2010
Filing Date:	10-DEC-2002
Time Stamp:	04:13:59
Application Type:	Utility under 35 USC 111(a)

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Payment Type	Credit Card
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RAM confirmation Number	6843
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Information Disclosure Statement (IDS) Filed (SB/08)	NEONODE_P004_IDS_16_Mar_2010.pdf	761106 40d3136259bd610cc05316378f2dabf285517753	no	4
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	29923 4a61a932625757780ec6f2f947c93e7dc09a3251	no	2
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Information:					
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Attorney's Docket No.: NEONODE.P004 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:)	
	)	Examiner: Ryan F. Pitaro
Magnus Goertz)	
	)	Art Unit: 2174
Application No: 10/315,250)	
)	
Filed: December 10, 2002)	
)	
For: USER INTERFACE FOR)	
MOBILE HANDHELD)	
COMPUTER UNIT)	
_____)	

Mail Stop AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION
UNDER 37 C.F.R. §1.111

Sir:

In response to the Office Action dated November 24, 2009, applicant respectfully requests that the remarks below be taken into consideration.

IN THE CLAIMS:

Please substitute the following claims for the pending claims with the same number:

1. (currently amended) A computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising:

a touch sensitive area in which representations of at least one function are displayed, and each function of said at least one function being mapped to a corresponding location in the touch sensitive area at which the representation of the function is displayed, and being activated by a multi-step operation comprising (i) an object touching the corresponding location and then (ii) the object gliding along the touch sensitive area away from the touched location.

2. (previously presented) The computer readable medium of claim **1**, wherein one function from the at least one function, when activated, causes the user interface to display icons representing different services or settings for a currently active application.

3. (previously presented) The computer readable medium of claim **2**, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a display icon corresponding to the preferred service or setting.

4. (previously presented) The computer readable medium of claim **1**, wherein one function from at least one function, when activated, causes the user interface to display a keyboard and a text field.

5. (previously presented) The computer readable medium of claim **4**, wherein said text field is used for inputting and editing of text through said keyboard.

6. (previously presented) The computer readable medium of claim **1**, wherein one function from the at least one function, when activated, causes the user interface to display a list with a library of available applications and files on the mobile handheld computer unit.

7. (previously presented) The computer readable medium of claim **6**, wherein the user interface is characterised in, that a selection of an application or file is done by gliding the object along said touch sensitive area so that a representation of a desired one of said application or file is highlighted, raising said object from said touch sensitive area, and then tapping on said touch sensitive area.

8. (previously presented) The computer readable medium of claim **7**, wherein the user interface is characterised in, that at any given time said list presents only files or only applications, and that an area of said list presents a field through which said list can be changed from presenting files to presenting applications, or from presenting applications to presenting files.

9. (previously presented) The computer readable medium of claim **7**, wherein the user interface is characterised in, that, one item in said list is highlighted by a moveable marking, and the user interface enables list navigation whereby gliding the object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list causes said marking to move in the same direction without scrolling the list.

10. (previously presented) The computer readable medium of claim **9**, wherein the user interface is characterised in, that, if the number of applications or files in said list exceeds the number of applications or files that can be presented on said touch sensitive area as content, and if the object is (i) glided along said touch sensitive area to the top or bottom of said touch sensitive area, then (ii) raised above said touch sensitive area, then (iii) replaced on said touch sensitive area, and then (iv) again glided along said touch sensitive area to the top or bottom of said touch sensitive area, said list navigation pages the content of said list up or down by one whole page.

11. (previously presented) The computer readable medium of claim **10**, wherein the user interface is characterised in, that if the object is raised from any first position on said touch sensitive area and then replaced on any second position on said touch sensitive area, said list navigation can be continued from said second position.

12. (previously presented) The computer readable medium of claim **1**, wherein the user interface is characterised in, that an active application, function, service or setting is advanced one step by gliding the object

along the touch sensitive area from left to right, and that the active application, function, service or setting is closed or backed one step by gliding the object along the touch sensitive area from right to left.

13. (previously presented) The computer readable medium of claim **1**, wherein the user interface is characterised in, that said representations of said at least one function are located at the bottom of said touch sensitive area.

14. (previously presented) The computer readable medium of claim **1**, wherein the touch sensitive area is 2-3 inches in diagonal dimension.

15. (previously presented) An enclosure adapted to cover the mobile handheld computer unit according to Claim **1**, characterised in, that said enclosure is provided with an opening for said touch sensitive area.

16. (previously presented) The enclosure according to Claim **15**, characterised in, that said enclosure is removable and exchangeable.

17. (cancelled)

18. (previously presented) The computer readable medium of claim **1**, characterised in, that said computer program code is adapted to function as a shell upon an operating system.

19. – 47. (cancelled)

REMARKS

Applicant expresses appreciation to the Examiner for the courtesy of an interview granted to applicant's representative Marc A. Berger (Reg. No. 44,029) and to Yossi Shain. The interview was held by telephone on Monday, February 22, 2010. The substance of the interview concerned the amendments to claim **1**.

Applicant has carefully studied the outstanding Office Action. The present amendment is intended to place the application in condition for allowance and is believed to overcome all of the objections and rejections made by the Examiner. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant has amended claim **1** to properly claim the present invention. No new matter has been introduced. Claims **1 – 16** and **18** are presented for examination.

In Paragraphs 2 and 3 of the Office Action, the Examiner has rejected claim **1** under 35 U.S.C. §103(a) as being unpatentable over Nakajima et al., U.S. Patent No. 6,346,935 ("Nakajima") in view of Hoshino et al., U.S. Publ. No. 2004/0021643 ("Hoshino").

In Paragraph 4 of the Office Action, the Examiner has rejected claims **2 – 11, 14 – 16** and **18** under 35 U.S.C. §103(a) as being unpatentable over Nakajima in view of Hoshino, and in view of Rogue, Palm Pilot: The Ultimate Guide, 2nd Edition ("Rogue").

In Paragraph 5 of the Office Action, the Examiner has rejected claims **12** and **13** under 35 U.S.C. §103(a) as being unpatentable over Nakajima in view of Rogue, in view of Hoshino, and in view of O'Rourke, US Patent No. 7,225,408 ("O'Rourke").

Brief Discussion of Prior Art

Nakajima, Rogue and O'Rourke are discussed in applicant's response filed on July 13, 2009.

Hoshino describes a touch screen user interface with two distinct user operations; namely, (1) touch, and (2) drag. Since a drag operation begins with an initial touch, in order to distinguish between these operations (1) and (2), it is necessary to discriminate between a touch operation and the initial touch of a drag operation. To do so, Hoshino uses a pressure sensor, in addition to a touch sensor. The pressure sensor discriminates between three states; namely, (a) no touch, (b) a light touch, and (c) a hard touch, corresponding to respective pressure levels 0, P1 and P2 (Hoshino/ pars. 10, 57, 79 – 81, 91 and 92; step 103 of FIG. 7, step 205 of FIG. 12, step 305 of FIG. 15, step 406 of FIG. 18 and step 506 of FIG. 21).

Hoshino associates a drag operation with a soft initial touch, and associates a touch operation with a hard touch. Hoshino is thereby able to discriminate between a touch operation and the initial touch of a drag operation. Hoshino activates a function in response to a hard touch, but does not activate a function in response to a soft touch.

Response to Examiner's Arguments

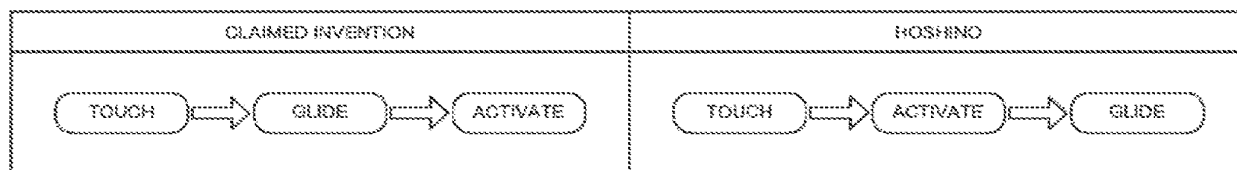
In rejecting independent claim **1** in Paragraph 3 of the Office Action, the Examiner has cited pars. 92 and 93 of Hoshino as teaching a function being activated in response to an object touching a corresponding location and then gliding along the touch sensitive area away from the location. Applicant respectfully submits that, unlike the claimed invention, Hoshino activates the function solely in response to a

push-in operation; i.e., a hard touch, and not in response to a drag operation. Indeed, at par. 92 Hoshino recites

When $P \geq P_2$, an operation for activating the function may be performed in a manner similar to steps 104 – 107 in FIG. 7.

Applicant notes that in FIG. 7, from step 100 (START) through step 107, function activation occurs solely in response to a hard touch on an associated icon, irrespective of whether or not a drag is performed.

In distinction, the claimed invention activates a function in response to a multi-step touch-and-glide operation. Thus in particular, referring to the illustration below, the claimed invention responds to a (hard) touch followed by a glide differently than Hoshino. Specifically, the claimed invention activates a function after the glide, whereas Hoshino activates the function after the (hard) touch.



Function activation operation of claimed invention vs. that of Hoshino

The table below summarizes some of the salient distinctions between the claimed invention and Hoshino.

Some distinctions between claimed invention and Hoshino		
	Claimed invention	Hoshino
Objective	Novel touch-and-glide user interface operation	Discriminate between two conventional operations; namely, (1) touch, and (2) drag-and-drop
Hardware	Touch screen	Touch screen with pressure sensor
Function Activation	In response to both steps of a multi-step operation; namely, (1) touch, followed by (2) a glide	In response to hard touch

In order to further distinguish the claimed invention over the prior art, applicant has amended claim **1** to include the limitation of a multi-step operation comprising (1) a touch, followed by (2) a glide away from the touched position.

The rejections of the claims **1 – 16** and **18** in paragraphs 2 - 5 of the Office Action will now be dealt with specifically.

As to amended independent claim **1** for a computer readable medium, applicant respectfully submits, as indicated hereinabove, that the limitation in claim **1** of

"each function ... being activated by a multi-step operation comprising (i) an object touching the corresponding location and then (ii) the object gliding along the touch sensitive area away from the touched location"

is neither shown nor suggested in Nakajima, Hoshino, Rogue or O'Rourke.

In Paragraph 3 of the Office Action, the Examiner has indicated that it would have been obvious to combine the teaching of Hoshino with the medium of Nakajima. Applicant respectfully disagrees. Hoshino does not teach gliding a finger away from an icon. Instead, Hoshino teaches a drag-and-drop operation for moving an icon. In Nakajima the icons are either carve-outs in a frame surrounding a touch pad, or icons on an overlay of the touch pad. It is not possible to move the icons of Nakajima. As such, even the combination of Hoshino and Nakajima does not suggest the touch-and-glide operation of the claimed invention.

Moreover, for the sake of argument, even if one were somehow able to introduce the drag operation of Hoshino into Nakajima, the lack of a pressure sensor in Nakajima would cause Nakajima to activate a function upon the initial touch of the drag, and ignore the drag

altogether. In fact Hoshino, at pars. 7 – 9, teaches away from trying to support a drag-and-drop operation on a touch screen that does not have a pressure sensor.

The table below summarizes reasons why it is non-obvious to combine Nakajima and Hoshino.

Some reasons why it is non-obvious to combine Nakajima with Hoshino	
Nakajima	Hoshino
Touch sensitive surface is opaque and static	Requires dynamic video display to animate drag-and-drop of icons
Icon is stationary (carve-out in frame surrounding screen, or on overlay sheet)	Requires software generated icon
Touch screen does not have pressure sensor	Requires pressure sensor.

Because claims **2 – 16** and **18** depend from claim **1** and include additional features, applicant respectfully submits that claims **2 – 16** and **18** are not anticipated or rendered obvious by Nakajima, Hoshino, Rogue, O'Rourke, or a combination of Nakajima, Hoshino, Rogue and O'Rourke.

Accordingly claims **1 – 16** and **18** are deemed to be allowable.

Support for Amended Claims in Original Specification

Independent claim **1** for a computer readable medium has been amended to include the limitation of a multi-step operation comprising (1) a touch, followed by (2) a glide. This limitation is supported in the original specification at least by the Abstract, by FIG. 2, where the arrow at A indicates a touch and the arrow at B indicates a glide, and by the description thereof at par. 47.

For the foregoing reasons, applicant respectfully submits that the applicable objections and rejections have been overcome and that the claims are in condition for allowance.

If any matters can be resolved by telephone, applicant requests that the Patent and Trademark Office please contact the applicant at the telephone number listed below.

Respectfully submitted,

Dated: February 22, 2010

/Marc A. Berger/

Marc A. Berger
Reg. No. 44,029

P.O. Box 691
Soquel, CA 95073
(831) 426-8200

Electronic Acknowledgement Receipt

EFS ID:	7053773
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	22-FEB-2010
Filing Date:	10-DEC-2002
Time Stamp:	08:32:48
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	NEONODEP004Amendment_0 2-22-2010.pdf	98239 65a4aea7bebbefec6924c7b65b9e5010c56 c21b2	no	11

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/315,250		Filing Date 12/10/2002		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=	OR	X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	02/22/2010	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 17	Minus	** 47	= 0	X \$26 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 8	= 0	X \$110 =	0	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =	OR	X \$ =		
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =	OR	X \$ =		
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE		TOTAL ADD'L FEE			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/DESHONNE T. MARTINO/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226
75660	7590	11/24/2009	EXAMINER	
Soquel Group, LLC			PITARO, RYAN F	
P.O. Box 691				
Soquel, CA 95073				
			ART UNIT	PAPER NUMBER
			2174	
			MAIL DATE	DELIVERY MODE
			11/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/315,250

Applicant(s)

GOERTZ, MAGNUS

Examiner

RYAN F. PITARO

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-16, 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. This action is in response to the amendment filed 7/13/2009. This action is non-final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al ("Nakajima", 6,346,935) in view of Hoshino et al ("Hoshino", US 20040021643).

As per claim 1, Nakajima teaches a computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising: a touch sensitive area in which representations of a plurality of functions are displayed (Column 15 lines 1-9, *function signs*), and each function of said plurality of functions being mapped to a corresponding location in the touch sensitive area at which the representation of the function is displayed (Column 15 lines 1-9, *stops moving finger*). Nakajima teaches gliding over the

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icon Column 15 lines 1-15, *stops moving finger then glides finger to lightly press surface* but fails to distinctly point out touching the icon and gliding away. However, Hoshino teaches an icon being activated by an object touching the corresponding location and then gliding along the touch sensitive area away from the location ([0092]-[0093], drag and drop operation may be used in combination with a push in operation for activating a function). Therefore it would have been obvious at the time of the invention to combine the teaching of Hoshino with the medium of Nakajima. Motivation to do so would have been to apply a known technique to a known system in order to yield advantageous and predictable results.

4. Claims 2-11,14-16,18 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al ("Nakajima", 6,346,935) and Hoshino et al ("Hoshino", US 20040021643) in view of Rogue ("Rogue", Palm Pilot: The Ultimate Guide, 2nd Edition).

As per claim 2, Nakajima-Hoshino fails to particularly disclose a function to display a plurality of functions. However, Rogue teaches a computer readable medium of claim 1, wherein one function from the plurality of functions, when activated, causes the user interface to display icons representing different services or settings for a currently active application (Figure 1.2-1.3, *Preferences*).Therefore it would have been

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obvious to an artisan at the time of the invention to combine the teaching of Rogue with the medium of Nakajima. Motivation to do so would have been to provide a way to reduce screen clutter and only access the applications when needed.

As per claim 3, Nakajima-Hoshino-Rogue teaches a computer readable medium of claim 2, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a display icon corresponding to the preferred service or setting (Nakajima, Column 18 lines 30-40, tap).

As per claim 4, Nakajima-Hoshino-Rogue teaches a computer readable medium of claim 1, wherein one function from the plurality of functions, when_activated, causes the user interface to display a keyboard and a text field (Rogue, Figure 2.5, power stroke up, Figure 2.6).

As per claim 5, Nakajima-Hoshino-Rogue teaches a wherein said text field is used for inputting and editing of text through said keyboard (Nakajima, Figure 2.6).

As per claim 6, Nakajima-Hoshino-Rogue fails to teach a computer readable medium of claim 1, OFFICIAL NOTICE is taken that file listing is well know in the art. It is extremely common to see a list of functions and files listed, as in directories. Therefore it would have been obvious to an artisan at the time of the invention to

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combine the teaching with the medium of Nakajima-Hoshino -Rogue. Motivation to do so would have been to provide a user with a list of options.

As per claim 7, Nakajima-Hoshino -Rogue teaches a computer readable medium of claim 6, wherein the user interface is characterised in, that a selection of an application or file is done by gliding the object along said touch sensitive area so that a representation of a desired one of said application or file is highlighted, raising said object from said touch sensitive area, and then tapping on said touch sensitive area (Nakajima, Column 18 lines 40-56).

As per claim 8, Nakajima-Hoshino -Rogue fails to teach presenting only files or only applications. However OFFICIAL NOTICE is taken that file sorting is well know in the art. It is extremely common to sort a list of functions and files listed by data type. Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching with the medium of Nakajima-Rogue. Motivation to do so would have been to provide a user with a specific list of filtered options.

As per claim 9, Nakajima-Hoshino -Rogue teaches a computer readable medium of claim 7, wherein the user interface is characterised in, that, one item in said list is highlighted by a moveable marking, and gliding the object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list, causes

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said marking to move in the same direction without scrolling the list (Rogue, Figure 1.4, using the menu).

As per claim 10, Nakajima-Hoshino -Rogue teaches a computer readable medium of claim 9, wherein the user interface is characterised in, that, if the number of applications or files in said list exceeds the number of applications or files that can be presented on said touch sensitive area as content, and if the object is (i) glided along said touch sensitive area to the top or bottom position of said touch sensitive area, then (ii) raised above said touch sensitive area, then (iii) replaced on said touch sensitive area, and then (iv) again glided along said touch sensitive area to the top or bottom of said touch sensitive area, said list navigation pages the content of said list up or down one whole page (Nakajima, Column 14 lines 45-57 and Column 2 lines 15-23, wherein Nakajima is an absolute pointing device and a swipe from the top of the page to the bottom will result in a refresh by a whole page).

As per claim 11, Nakajima-Hoshino -Rogue teaches a computer readable medium of claim 10, wherein the user interface is characterised in, that if the object is raised from any first position on said touch sensitive area and then replaced on any second position on said touch sensitive area, said navigation can be continued from said second position (Nakajima, Column 14 lines 45-57).

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As per claim 14, while Nakajima-Hoshino -Rogue fails to teach a touch sensitive area is 2-3 inches. OFFICIAL NOTICE is taken that screen sizes vary and screens with a touch sensitive area of 2-3 inches diagonally is well known in the art. Therefore it would have been obvious to an artisan at the time of the invention to combine the screen size with the medium of Nakajima-Hoshino -Rogue. Motivation to do so would have been to provide adequate size to operate the touch screen while keeping it small enough to fit in a pocket.

As per claim 15, Nakajima-Hoshino-Rogue teaches a enclosure adapted to cover the mobile handheld computer unit according to Claim 1, characterised in, that said enclosure is provided with an opening for said touch sensitive area (Rogue, Figure 1.1).

As per claim 16, Nakajima-Hoshino-Rogue fails to teach an enclosure is removable and exchangeable. OFFICIAL NOTICE is taken that an enclosure is removable and exchangeable is well known in the art. Therefore it would have been obvious to an artisan at the time of the invention to combine the exchangeable enclosure with the medium of Nakajima-Rogue. Motivation to do so would have been to provide a way to style your mobile device so that it can be personalized to a user's taste.

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As per claim 18, Nakajima-Hoshino-Rogue teaches a computer readable medium according to Claim 1, characterised in, that said computer program product is adapted to function as a shell upon an operations system (Rogue, 1.1 Palm Pilot Basics).

5. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al ("Nakajima", 6,346,935) in view of Rogue ("Rogue", Palm Pilot: The Ultimate Guide, 2nd Edition) and Hoshino et al ("Hoshino", US 20040021643) in view of O'Rourke (O'Rourke, US 7,225,408).

As per claim 12, Nakajima-Hoshino-Rogue teaches a computer readable medium of claim 1, wherein the user interface is characterized in, that an active application, function, service or setting is moved on one step by gliding the object along the touch sensitive area from left to right (Nakajima, Column 14 lines 45-57). However, Nakajima-

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Rogue fails to distinctly point out closing or backing one step. However, O'Rourke teaches that the active application, function, service or setting is closed or backed one step (Figure 13, right and left arrows). Therefore it would have been obvious to an artisan at the time of the invention to combine the glide functionality with the forward and backward functionality of O'Rourke. Motivation to do so would have been to provide an easy way to traverse the GUI.

As per claim 13, Nakajima-Hoshino-Rogue-O'Rourke teaches a computer readable medium of claim 1, wherein the user interface is characterized in, that said representations of said plurality of functions are located at the bottom of said touch sensitive area (O'Rourke, Figure 13, icons at bottom right) .

Response to Arguments

Applicant's arguments with respect to claims 1-16,18 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner notes that the OFFICIAL NOTICE set forth in the previous office action has not been contested.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN F. PITARO whose telephone number is (571)272-4071. The examiner can normally be reached on 9:00am - 5:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan F Pitaro/
Examiner, Art Unit 2174

Notice of References Cited	Application/Control No. 10/315,250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS	
	Examiner RYAN F. PITARO	Art Unit 2174	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2004/0021643	02-2004	Hoshino et al.	345/173
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	31	icon with drag with activate	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/11/20 14:29
L2	148	icon with drag with activat\$7	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:29
L3	68	icon with drag with activat\$7 and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:30
L4	29	bar with drag with activat\$7 and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:36
L5	81	function with drag with activat\$7 and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:37
L11	26	(dock bar) with (glide swipe) with activat\$7	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/11/20 14:43

L12	34	(dock bar) with (glide swipe) with activat\$7	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:43
L13	54	(glide swipe) with activat\$7 with (function application program)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:46
L14	24	(glide swipe) with activat\$7 with (function application program) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:47
L15	30	(glide swipe drag) with icon with activat\$7 with (function application program) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 14:48
L16	2	"7441196".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/11/20 15:14
L17	503	swipe with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L18	734	(glide swipe) with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L19	2	"7286063".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14

L23	263	("20010003845" "20010012286" "20010016947" "20010034647" "20010042002" "20010044751" "20010049824" "20010051903" "20020007309" "20020010642" "20020016750" "20020029339" "20020032782" "20020035174" "20020038256" "20020038259" "20020042914" "20020042921" "20020049631" "20020056098" "20020059590" "20020067376" "20020077177" "20020078006" "20020078453" "20020098834" "20020116292" "20020116320" "20020166122" "20030046182" "20030074661" "20030095525" "20030126607" "20030140017" "20030146940" "20030149628" "20030182195" "20040003412" "20040098747" "20040103439" "20040117831" "20040128137" "20040133848" "20040148625" "20040204116" "20040210824" "20040260689" "20050010949" "20050025550" "20050075932" "20050086690" "20050091118" "20050160458" "20050234895" "20050246231" "20060155598" "20060224987" "20070008332" "3586771" "4650977" "4706121" "4992940" "5041312" "5064999" "5119188" "5236199" "5321749" "5353016" "5410326" "5479268" "5532735" "5553242" "5559548" "5598523" "5602596" "5617570" "5625781" "5710887" "5727129" "5734719" "5758126" "5794210" "5796252" "5801702" "5809204" "5819220" "5822014" "5828839" "5832208" "5832459" "5838314" "5848396" "5851149" "5874906" "5878222" "5890175" "5893064" "5895454" "5896133" "5900905" "5902353" "5903729" "5911145" "5918014" "5918213").PN. OR ("5925103" "5931901" "5935002" "5946381" "5956681" "5956693" "5958012" "5960411" "5961593" "5978381" "5990927" "6002853" "6005562" "6005631" "6006257" "6012049" "6014502" "6018372" "6025837" "6028600" "6031537" "6041312" "6054989" "6072483" "6072492" "6075575" "6078866" "6091417"	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
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L24	131	touch with slide with function	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14

L25	13	("4366475" | "4686332" | "4821030" | "4914624" | "5402151" | "5563632" | "5596346" | "5638060" | "5687331" | "5736974" | "5736976" | "5761485" | "5838973").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
L26	175604	object near3 type	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
L27	5	(file item object) near3 type with open near3 respective	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
L28	997	open\$3 with different with program	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
L29	2	multiple near3 file near3 selection with open	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L30	12	applying with command with (plurality multiple) with files	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L31	30944	(flick stroke) with (open application command)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/11/20 15:14
L32	261	(flick) with (open application command)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L33	131	(flick) with (open application command) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L34	5	(flick) with (open application command) and @ay<="2002" and "715"/\$.cls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L35	39	(flick) and @ay<="2002" and "715"/\$.cls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14

L36	981	(flick gesture) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L37	2372	(flick gesture slide) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L38	78	(flick gesture slide) and @ay<="2002" and "715"/702,864.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L39	6588	finger near3 (flick gesture slide) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L40	87	finger near3 (flick gesture slide) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L41	0	"5543591,5943052,5907327,4686332".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L42	8	("5543591" "5943052" "5907327" "4686332").pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L43	113453	(glide flick touch swipe) with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14

L44	16322	(glide flick touch swipe) with screen with (applications functions)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L45	92	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L46	439	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L47	0	(glide flick swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L48	11	(glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L49	219	(glide flick gesture swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L50	302	(glide flick swipe) with screen and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L51	8	(glide flick swipe) with screen with icon and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14

L52	16	("20010011308" | "20030142138" | "20040034801" | "20050253817" | "20050253817" | "20050264833" | "5821933" | "5907327" | "6633310").PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L53	452	(glide flick swipe) with finger and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L54	3	(glide flick swipe) with finger and @AY<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L55	13	("5250929" | "5568604" | "5579036" | "5612719" | "5661476" | "5748185" | "5767457" | "5883617" | "5928304" | "5943043" | "5943044" | "5995083" | "6049328").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
L56	1144	715/716.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
L57	8	715/716.ccls. and dvd near menu	US-PGPUB; USPAT; USOCR	OR	OFF	2009/11/20 15:14
L58	10	715/716.ccls. and dvd near menu	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L59	429	715/716.ccls. and dvd	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L60	587	715/716.ccls. and menu	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L61	55	715/716.ccls. and menu and theme	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L62	311	715/716.ccls. and menu and effects	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L63	6	715/716.ccls. and menu with theme	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14

L64	1	"7200836".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L65	1	"20080120546".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L66	504	715/864.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L67	69	715/864.ccls. and keyboard and back and icons and files	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L68	29	715/864.ccls. and keyboard and back and icons and files and removable	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L69	44	715/864.ccls. and keyboard and icons and files and @ay<="2002"	US-PGPUB; USPAT; USOCR	OR	ON	2009/11/20 15:14
L70	2	"6346935".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/11/20 15:14
L71	21	(glide flick touch swipe) with (coordinat\$7) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L72	439	(touch finger) with (glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L73	0	(touch finger) with (glide flick swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L74	3	(touch finger) with (glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14

L75	2	"6140936".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L76	2	"6346935".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L77	195	files with applications with list with only	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L78	102	(file near list) with (application near list)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L79	535	(file near view) with application	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L80	16	sort with application near files	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L81	632	(programs application) with files with (sort show list) with only	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L82	57	(programs application) with files with (sort show list) with only and "715"/\$.cls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14


L83	0	seperate with list with data near type	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L84	6088	list with data near type	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L85	684	list with data near type and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L86	635	application near list and file near list	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14
L87	273	application near list and file near list and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/11/20 15:14

EAST Search History (Interference)

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11/20/09 3:23:19 PM

C:\Documents and Settings\RPitaro\My Documents\EAST\Workspaces\10315250.wsp

<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174


✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
Final	Original	11/09/2007	06/23/2008	12/21/2008	07/06/2009	11/20/2009			
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<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
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Search Notes 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

SEARCHED			
Class	Subclass	Date	Examiner
Update	Search	11/8/2007	RFP
Update	Search	6/17/2008	RFP
Update	Search	12/21/2008	RFP
Update	Search	4/22/2009	RFP
Update	Search	11/20/2009	RFP

SEARCH NOTES		
Search Notes	Date	Examiner
Update Search	11/8/2007	RFP
Update Search	6/17/2008	RFP
EAST	12/21/2008	RFP
Internet	12/21/2008	RFP
Safari Online Books	12/21/2008	RFP
IEEE	12/21/2008	RFP
ACM	12/21/2008	RFP
Update Search	4/22/2009	RFP
Update Search	11/20/2009	RFP

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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IN THE CLAIMS:

Please substitute the following claims for the pending claims with the same number:

1. (previously presented) A computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising:

a touch sensitive area in which representations of at least one function are displayed, and each function of said at least one function being mapped to a corresponding location in the touch sensitive area at which the representation of the function is displayed, and being activated by an object touching the corresponding location and then gliding along the touch sensitive area away from the touched location.

2. (previously presented) The computer readable medium of claim **1**, wherein one function from the at least one function, when activated, causes the user interface to display icons representing different services or settings for a currently active application.

3. (previously presented) The computer readable medium of claim **2**, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a display icon corresponding to the preferred service or setting.

4. (previously presented) The computer readable medium of claim **1**, wherein one function from at least one function, when activated, causes the user interface to display a keyboard and a text field.

5. (previously presented) The computer readable medium of claim **4**, wherein said text field is used for inputting and editing of text through said keyboard.

6. (previously presented) The computer readable medium of claim **1**, wherein one function from the at least one function, when activated, causes the user interface to display a list with a library of available applications and files on the mobile handheld computer unit.

7. (previously presented) The computer readable medium of claim **6**, wherein the user interface is characterised in, that a selection of an application or file is done by gliding the object along said touch sensitive area so that a representation of a desired one of said application or file is highlighted, raising said object from said touch sensitive area, and then tapping on said touch sensitive area.

8. (previously presented) The computer readable medium of claim **7**, wherein the user interface is characterised in, that at any given time said list presents only files or only applications, and that an area of said list presents a field through which said list can be changed from presenting files to presenting applications, or from presenting applications to presenting files.

9. (previously presented) The computer readable medium of claim **7**, wherein the user interface is characterised in, that, one item in said list is highlighted by a moveable marking, and the user interface enables list navigation whereby gliding the object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list causes said marking to move in the same direction without scrolling the list.

10. (previously presented) The computer readable medium of claim **9**, wherein the user interface is characterised in, that, if the number of applications or files in said list exceeds the number of applications or files that can be presented on said touch sensitive area as content, and if the object is (i) glided along said touch sensitive area to the top or bottom of said touch sensitive area, then (ii) raised above said touch sensitive area, then (iii) replaced on said touch sensitive area, and then (iv) again glided along said touch sensitive area to the top or bottom of said touch sensitive area, said list navigation pages the content of said list up or down by one whole page.

11. (previously presented) The computer readable medium of claim **10**, wherein the user interface is characterised in, that if the object is raised from any first position on said touch sensitive area and then replaced on any second position on said touch sensitive area, said list navigation can be continued from said second position.

12. (previously presented) The computer readable medium of claim **1**, wherein the user interface is characterised in, that an active application, function, service or setting is advanced one step by gliding the object

along the touch sensitive area from left to right, and that the active application, function, service or setting is closed or backed one step by gliding the object along the touch sensitive area from right to left.

13. (previously presented) The computer readable medium of claim **1**, wherein the user interface is characterised in, that said representations of said at least one function are located at the bottom of said touch sensitive area.

14. (previously presented) The computer readable medium of claim **1**, wherein the touch sensitive area is 2-3 inches in diagonal dimension.

15. (previously presented) An enclosure adapted to cover the mobile handheld computer unit according to Claim **1**, characterised in, that said enclosure is provided with an opening for said touch sensitive area.

16. (previously presented) The enclosure according to Claim **15**, characterised in, that said enclosure is removable and exchangeable.

17. (cancelled)

18. (previously presented) The computer readable medium of claim **1**, characterised in, that said computer program code is adapted to function as a shell upon an operating system.

19. – 47. (cancelled)

REMARKS

Applicant expresses appreciation to the Examiner for the courtesy of an interview granted to applicant's representative Marc A. Berger (Reg. No. 44,029). The interview was held by telephone on Monday, July 13, 2009.

As discussed during the interview, applicant wishes to point out that the signs **19a**, etc. of **FIG. 5** of Nakajima are not on the touch surface. They are merely signs, outside of the touch surface **7B**, that indicate the functions assigned to adjacent regions of the touch surface.

As such, applicant respectfully submits that the present claim language "at least one function being mapped to a corresponding location in the touch sensitive area at which the representation of the function is displayed, and being activated by an object touching the corresponding location and then gliding along the touch sensitive area away from the touched location" is not anticipated by Nakajima.

For the foregoing reasons, applicant respectfully submits that the applicable objections and rejections have been overcome and that the claims are in condition for allowance.

Respectfully submitted,

Dated: July 13, 2009

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/Marc A. Berger/
Marc A. Berger
Reg. No. 44,029

Electronic Acknowledgement Receipt

EFS ID:	5685763
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	13-JUL-2009
Filing Date:	10-DEC-2002
Time Stamp:	11:05:02
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		NEONODEP004Amendment_1 3July2009.pdf	57953 2cd2cd71cd0360f4d6616db29d510db163751464c	yes	6

	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	6

Warnings:**Information:****Total Files Size (in bytes):**

57953

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226
75660	7590	07/08/2009	EXAMINER	
Soquel Group, LLC P.O. Box 691 Soquel, CA 95073			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2174	
			MAIL DATE	DELIVERY MODE
			07/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/315,250

Applicant(s)

GOERTZ, MAGNUS

Examiner

RYAN F. PITARO

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/4/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. This action is in response to the amendment filed 4/22/2009. This action is non-final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Nakajima et al (“Nakajima”, 6,346,935).

As per claim 1, Nakajima teaches a computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising: a touch sensitive area in which

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representations of a plurality of functions are displayed (Column 15 lines 1-9, *function signs*), and each function of said plurality of functions being mapped to a corresponding location in the touch sensitive area at which the representation of the function is displayed (Column 15 lines 1-9, *stops moving finger*), and being activated by an object touching the corresponding location and then gliding along the touch sensitive area away from the location (Column 15 lines 1-15, *stops moving finger then glides finger to lightly press surface*).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-11,14-16,18 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al ("Nakajima", 6,346,935) in view of Rogue ("Rogue", Palm Pilot: The Ultimate Guide, 2nd Edition).

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As per claim 2, Nakajima fails to particularly disclose a function to display a plurality of functions. However, Rogue teaches a computer readable medium of claim 1, wherein one function from the plurality of functions, when activated, causes the user interface to display icons representing different services or settings for a currently active application (Figure 1.2-1.3, *Preferences*).Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Rogue with the medium of Nakajima. Motivation to do so would have been to provide a way to reduce screen clutter and only access the applications when needed.

As per claim 3, Nakajima-Rogue teaches a computer readable medium of claim 2, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a display icon corresponding to the preferred service or setting (Nakajima, Column 18 lines 30-40, tap).

As per claim 4, Nakajima-Rogue teaches a computer readable medium of claim 1, wherein one function from the plurality of functions, when_activated, causes the user interface to display a keyboard and a text field (Figure 2.5, power stroke up, Figure 2.6).

As per claim 5, Nakajima-Rogue teaches a wherein said text field is used for inputting and editing of text through said keyboard (Nakajima, Figure 2.6).

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As per claim 6, Nakajima-Rogue fails to teach a computer readable medium of claim 1, OFFICIAL NOTICE is taken that file listing is well know in the art. It is extremely common to see a list of functions and files listed, as in directories. Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching with the medium of Nakajima-Rogue. Motivation to do so would have been to provide a user with a list of options.

As per claim 7, Nakajima-Rogue teaches a computer readable medium of claim 6, wherein the user interface is characterised in, that a selection of an application or file is done by gliding the object along said touch sensitive area so that a representation of a desired one of said application or file is highlighted, raising said object from said touch sensitive area, and then tapping on said touch sensitive area (Nakajima, Column 18 lines 40-56).

As per claim 8, Nakajima-Rogue fails to teache presenting only files or only applications. However OFFICIAL NOTICE is taken that file sorting is well know in the art. It is extremely common to sort a list of functions and files listed by data type. Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching with the medium of Nakajima-Rogue. Motivation to do so would have been to provide a user with a specific list of filtered options.

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As per claim 9, Nakajima-Rogue teaches a computer readable medium of claim 7, wherein the user interface is characterised in, that, one item in said list is highlighted by a moveable marking, and gliding the object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list, causes said marking to move in the same direction without scrolling the list (Rogue, Figure 1.4, using the menu).

As per claim 10, Nakajima-Rogue teaches a computer readable medium of claim 9, wherein the user interface is characterised in, that, if the number of applications or files in said list exceeds the number of applications or files that can be presented on said touch sensitive area as content, and if the object is (i) glided along said touch sensitive area to the top or bottom position of said touch sensitive area, then (ii) raised above said touch sensitive area, then (iii) replaced on said touch sensitive area, and then (iv) again glided along said touch sensitive area to the top or bottom of said touch sensitive area, said list navigation pages the content of said list up or down one whole page (Nakajima, Column 14 lines 45-57 and Column 2 lines 15-23, wherein Nakajima is an absolute pointing device and a swipe from the top of the page to the bottom will result in a refresh by a whole page).

As per claim 11, Nakajima-Rogue teaches a computer readable medium of claim 10, wherein the user interface is characterised in, that if the object is raised from any first position on said touch sensitive area and then replaced on any second position on

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said touch sensitive area, said navigation can be continued from said second position (Nakajima, Column 14 lines 45-57).

As per claim 14, while Nakajima-Rogue-O'Rourke fails to teach a touch sensitive area is 2-3 inches. OFFICIAL NOTICE is taken that screen sizes vary and screens with a touch sensitive area of 2-3 inches diagonally is well known in the art. Therefore it would have been obvious to an artisan at the time of the invention to combine the screen size with the medium of Nakajima-Rogue. Motivation to do so would have been to provide adequate size to operate the touch screen while keeping it small enough to fit in a pocket.

As per claim 15, Nakajima-Rogue teaches a enclosure adapted to cover the mobile handheld computer unit according to Claim 1, characterised in, that said enclosure is provided with an opening for said touch sensitive area (Rogue, Figure 1.1).

As per claim 16, Nakajima-Rogue fails to teach an enclosure is removable and exchangeable. OFFICIAL NOTICE is taken that an enclosure is removable and exchangeable is well known in the art. Therefore it would have been obvious to an artisan at the time of the invention to combine the exchangeable enclosure with the medium of Nakajima-Rogue. Motivation to do so would have been to provide a way to style your mobile device so that it can be personalized to a user's taste.

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As per claim 18, Nakajima-Rogue teaches a computer readable medium according to Claim 1, characterised in, that said computer program product is adapted to function as a shell upon an operations system (Rogue, 1.1 Palm Pilot Basics).

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al ("Nakajima", 6,346,935) in view of Rogue ("Rogue", Palm Pilot: The Ultimate Guide, 2nd Edition) in view of O'Rourke (O'Rourke, US 7,225,408).

As per claim 12, Nakajima-Rogue teaches a computer readable medium of claim 1, wherein the user interface is characterized in, that an active application, function, service or setting is moved on one step by gliding the object along the touch sensitive area from left to right (Nakajima, Column 14 lines 45-57). However, Nakajima-Rogue

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fails to distinctly point out closing or backing one step. However, O'Rourke teaches that the active application, function, service or setting is closed or backed one step (Figure 13, right and left arrows). Therefore it would have been obvious to an artisan at the time of the invention to combine the glide functionality with the forward and backward functionality of O'Rourke. Motivation to do so would have been to provide an easy way to traverse the GUI.

As per claim 13, Nakajima-Rogue-O'Rourke teaches a computer readable medium of claim 1, wherein the user interface is characterized in, that said representations of said plurality of functions are located at the bottom of said touch sensitive area (O'Rourke, Figure 13, icons at bottom right) .

Response to Arguments

Applicant's arguments filed 4/22/2009 have been fully considered but they are not persuasive.

The Applicant argues the following main points with regards to claim 1. As summarized by the table on page 10 of the amendment, Nakamura differs for the following reasons:

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- Glide is over non-touch sensitive portion of screen
- Glide is followed by touch
- Glide is toward touch point
- Glide is along periphery of touch sensitive area
- Glide movement is guided by inner periphery of raised frame
- Only the touch point is process by the user interface
- Frame-guided touch has the same effect as touch alone

The Examiner disagrees; the Applicant has mis-categorized the inner periphery of the frame of Nakajima. The purpose of the frame is to allow the user to more easily glide the finger along the edge of the frame if desired. However, this does not limit the users of Nakajima to only use the edge of the frame as argued by the applicant. The frame of a usual touch tablet interferes with the movement of the user's finger, in other words the effective operational area (the touchable area) of the touch tablet is limited and produces waste of the operational area. So while the Applicant has stated that the glide is over a non-touch sensitive portion of the screen, this is in fact incorrect. The glide can now start at the absolute edge of the screen since there is no frame to restrict the user from the edges of the absolute pointing device. The glide as pointed out in the office action is indeed a touch and glide action (Column 15 lines 1-9), *the users then stops on the sign (icon) of a desired function and the glides the finger.*

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This two step action is indicative of both the touch and glide being processed to execute the desired function. Whether or not the frame guided touch has a similar effect as touch alone is erroneous. Like the current application Nakajima eliminates the accidental touch performing a function, hence the reason for the touch then glide. While the two means may produced similar ends each has their advantages and cannot be combined as one.

The Examiner notes that the OFFICIAL NOTICE set forth in the previous office action has not been contested.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN F. PITARO whose telephone number is (571)272-4071. The examiner can normally be reached on 9:00am - 5:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan F Pitaro/
Examiner, Art Unit 2174

Notice of References Cited	Application/Control No. 10/315,250		Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS	
	Examiner RYAN F. PITARO		Art Unit 2174	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2005/0035956	02-2005	Sinclair et al.	345/184
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			


FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS


*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174


✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant						<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
CLAIM		DATE									
Final	Original	11/09/2007	06/23/2008	12/21/2008	07/06/2009						
	1	✓	✓	✓	✓						
	2	✓	✓	✓	✓						
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	4	✓	✓	✓	✓						
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	6	✓	✓	✓	✓						
	7	✓	✓	✓	✓						
	8	✓	✓	✓	✓						
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	11	✓	✓	✓	✓						
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	34		÷	N	-						
	35		÷	N	-						
	36		÷	N	-						

<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
Final	Original	11/09/2007	06/23/2008	12/21/2008	07/06/2009				
	37		÷	N	-				
	38		÷	N	-				
	39		÷	N	-				
	40		÷	N	-				
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Search Notes 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

SEARCHED			
Class	Subclass	Date	Examiner
Update	Search	11/8/2007	RFP
Update	Search	6/17/2008	RFP
Update	Search	12/21/2008	RFP
Update	Search	4/22/2009	RFP

SEARCH NOTES			
Search Notes		Date	Examiner
Update Search		11/8/2007	RFP
Update Search		6/17/2008	RFP
EAST		12/21/2008	RFP
Internet		12/21/2008	RFP
Safari Online Books		12/21/2008	RFP
IEEE		12/21/2008	RFP
ACM		12/21/2008	RFP
Update Search		4/22/2009	RFP

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	2	"6346935".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 10:24
L2	187	files with applications with list with only	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 10:28
L3	98	(file near list) with (application near list)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 10:34
L4	502	(file near view) with application	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 10:36
L5	15	sort with application near files	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:14
L6	613	(programs application) with files with (sort show list) with only	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:18
L7	55	(programs application) with files with (sort show list) with only and "715"/\$.cls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:18

L8	0	seperate with list with data near type	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:19
L9	5796	list with data near type	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:19
L10	652	list with data near type and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:19
L11	596	application near list and file near list	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:20
L12	271	application near list and file near list and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/06 11:22
S1	2	"7441196".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2008/12/08 17:03
S2	394	swipe with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/08 17:05
S3	606	(glide swipe) with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/08 17:05

S4	2	"7286063".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/08 17:10
S5	263	("20010003845" | "20010012286" | "20010016947" | "20010034647" | "20010042002" | "20010044751" | "20010049824" | "20010051903" | "20020007309" | "20020010642" | "20020016750" | "20020029339" | "20020032782" | "20020035174" | "20020038256" | "20020038259" | "20020042914" | "20020042921" | "20020049631" | "20020056098" | "20020059590" | "20020067376" | "20020077177" | "20020078006" | "20020078453" | "20020098834" | "20020116292" | "20020116320" | "20020166122" | "20030046182" | "20030074661" | "20030095525" | "20030126607" | "20030140017" | "20030146940" | "20030149628" | "20030182195" | "20040003412" | "20040098747" | "20040103439" | "20040117831" | "20040128137" | "20040133848" | "20040148625" | "20040204116" | "20040210824" | "20040260689" | "20050010949" | "20050025550" | "20050075932" | "20050086690" | "20050091118" | "20050160458" | "20050234895" | "20050246231" | "20060155598" | "20060224987" | "20070008332" | "3586771" | "4650977" | "4706121" | "4992940" | "5041312" | "5064999" | "5119188" | "5236199" | "5321749" | "5353016" | "5410326" | "5479268" | "5532735" | "5553242" | "5559548" | "5598523" | "5602596" | "5617570" | "5625781" | "5710887" | "5727129" | "5734719" | "5758126" | "5794210" | "5796252" | "5801702" | "5809204" | "5819220" | "5822014" | "5828839" | "5832208" | "5832459" | "5838314" | "5848396" | "5851149" | "5874906" | "5878222" | "5890175" | "5893064" | "5895454" | "5896133" | "5900905" | "5902353" | "5903729" | "5911145" | "5918014" | "5918213").PN. OR ("5925103" | "5931901" | "5935002" | "5946381" | "5956681" | "5956693" | "5958012" | "5960411" | "5961593" | "5978381" | "5990927" | "6002853" |	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:12

"6005562"	"6005631"	"6006257"	"6012049"
"6014502"	"6018372"	"6025837"	"6028600"
"6031537"	"6041312"	"6054989"	"6072483"
"6072492"	"6075575"	"6078866"	"6091417"
"6094156"	"6101473"	"6112186"	"6129274"
"6138107"	"6142371"	"6151050"	"6151059"
"6151596"	"6151630"	"6154205"	"6160552"
"6167382"	"6172677"	"6177936"	"6193152"
"6198481"	"6199050"	"6199077"	"6199098"
"6205432"	"6205582"	"6211878"	"6212265"
"6223215"	"6226623"	"6226642"	"6229540"
"6237030"	"6243093"	"6253189"	"6260192"
"6266060"	"6269343"	"6269361"	"6269403"
"6271832"	"6282516"	"6285357"	"6285987"
"6286017"	"6286043"	"6288716"	"6292779"
"6292782"	"6292786"	"6292809"	"6295057"
"6298330"	"6300947"	"6301566"	"6312336"
"6314406"	"6317706"	"6330005"	"6330543"
"6333753"	"6334108"	"6334145"	"6336131"
"6337715"	"6345279"	"6356905"	"6381583"
"6388714"	"6396531"	"6397387"	"6401132"
"6407779"	"6411307"	"6411337"	"6415270"
"6417873"	"6418441"	"6421066"	"6421071"
"6421724"	"6438540"	"6445398"	"6460181"
"6476825"	"6477575"	"6484149"	"6487189"
"6487586"	"6490555"	"6509913"	"6516311"
"6522342"	"6532312"	"6535888"	"6570582"
"6571279"	"6583800"	"6606103"	"6606280"
"6606347")	.PN. OR ("6608633"	"6615247"	|
"6615248"	"6618039"	"6631523"	"6636246"
"6647373"	"6662224"	"6680714"	"6684062"
"6692358"	"6704727"	"6711552"	"6714534"
"6728731"	"6769989"	"6804786"	"6826572"
"6829646"	"6857102"	"6868525"	"6907556"
"6925595"	"6928610"	"6938073"	"6973669"
"6978263"	"7013435"	"7020845"	"7051281"
"7174512"	"7293276"	"7383515")	.PN.

S6	112	touch with slide with function	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/08 17:14
S7	13	("4366475" | "4686332" | "4821030" | "4914624" | "5402151" | "5563632" | "5596346" | "5638060" | "5687331" | "5736974" | "5736976" | "5761485" | "5838973").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:18
S8	168267	object near3 type	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:21
S9	5	(file item object) near3 type with open near3 respective	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:21
S10	905	open\$3 with different with program	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:23
S11	2	multiple near3 file near3 selection with open	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/08 17:29
S12	11	applying with command with (plurality multiple) with files	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/08 17:29
S13	29188	(flick stroke) with (open application command)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2008/12/10 16:52
S14	229	(flick) with (open application command)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:54
S15	127	(flick) with (open application command) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:56
S16	5	(flick) with (open application command) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:56

S17	39	(flick) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:57
S18	961	(flick gesture) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:58
S19	2324	(flick gesture slide) and @ay<="2002" and "715"/\$. ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:58
S20	77	(flick gesture slide) and @ay<="2002" and "715"/702,864.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:59
S21	6585	finger near3 (flick gesture slide) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 17:07
S22	86	finger near3 (flick gesture slide) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 17:07
S23	0	"5543591,5943052,5907327,4686332".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 17:14
S24	8	("5543591" "5943052" "5907327" "4686332").pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 17:15

S25	93647	(glide flick touch swipe) with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:18
S26	13098	(glide flick touch swipe) with screen with (applications functions)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:20
S27	88	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY= "2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:20
S28	430	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:20
S29	0	(glide flick swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:21
S30	11	(glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:21
S31	219	(glide flick gesture swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:22
S32	299	(glide flick swipe) with screen and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:25

S33	8	(glide flick swipe) with screen with icon and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:26
S34	16	("20010011308" | "20030142138" | "20040034801" | "20050253817" | "20050253817" | "20050264833" | "5821933" | "5907327" | "6633310").PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:30
S35	451	(glide flick swipe) with finger and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:32
S36	3	(glide flick swipe) with finger and @AY<="2002" and "715"/\$.cls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:32
S37	13	("5250929" | "5568604" | "5579036" | "5612719" | "5661476" | "5748185" | "5767457" | "5883617" | "5928304" | "5943043" | "5943044" | "5995083" | "6049328").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/17 14:01
S38	918	715/716.cls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/17 15:38
S39	7	715/716.cls. and dvd near menu	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/17 15:38
S40	9	715/716.cls. and dvd near menu	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:38
S41	334	715/716.cls. and dvd	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:47
S42	461	715/716.cls. and menu	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:47
S43	39	715/716.cls. and menu and theme	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:48
S44	243	715/716.cls. and menu and effects	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:52

S45	4	715/716.ccls. and menu with theme	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:53
S46	1	"7200836".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:56
S47	1	"20080120546".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:57
S48	433	715/864.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/21 23:26
S49	60	715/864.ccls. and keyboard and back and icons and files	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/21 23:27
S50	25	715/864.ccls. and keyboard and back and icons and files and removable	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/21 23:27
S51	42	715/864.ccls. and keyboard and icons and files and @ay<="2002"	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/21 23:28
S52	2	"6346935".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2009/07/05 14:20
S53	21	(glide flick touch swipe) with (coordinat\$7) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/05 14:24
S54	437	(touch finger) with (glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/05 14:26
S55	0	(touch finger) with (glide flick swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/05 14:26
S56	3	(touch finger) with (glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/05 14:27

S57	2	"6140936".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2009/07/05 23:13
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PTO/SB/08a (04-09)

Doc description: Information Disclosure Statement (IDS) Filed

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	Filing Date		2002-12-10	
	First Named Inventor	Magnus Goertz		
	Art Unit	2174		
	Examiner Name	Ryan F. Pitaro		
	Attorney Docket Number	NEONODE.P004		

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Art Unit	2174
Examiner Name	Ryan F. Pitaro
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	Examiner Name	Ryan F. Pitaro		
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Art Unit	2174
Examiner Name	Ryan F. Pitaro
Attorney Docket Number	NEONODE.P004

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Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

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☐ See attached certification statement.

☒ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Marc A. Berger/	Date (YYYY-MM-DD)	2009-05-04
Name/Print	Marc A. Berger	Registration Number	44029

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Description

The invention relates to a touch panel control device for acoustic equipment.

Acoustic entertainment devices for vehicles, such as a cassette tape player, compact disk player and radio tuner are installed in considerably small space such as an in-dash console, and therefore must be small in size. Accordingly, the switches or push-buttons of the acoustic devices must also be small. These small switches or push-buttons are difficult to operate. Furthermore, the acoustic devices are used in different modes and operated in various manners. Therefore they employ a variety of switches, push-buttons, etc. Since the operator cannot easily locate them while driving, his attention to the road may be distracted when operating the acoustic devices causing a dangerous condition.

In this connection, a method has been disclosed in unexamined published Japanese Patent Application no. JP-A-61089720 in which, instead of switches or push-buttons for operating acoustic devices, there is provided a touch panel, the different controls of the devices being effected by touching different positions on the touch panel.

The conventional touch panel method will be described with reference to Figure 1. A touch panel 80 having interior detecting electrodes is scanned with a scanner 20 to detect when and at what point the touch panel 80 has been touched. The detection output data of the scanner 20 is applied to a first memory 30, where the detection output data of a scan is temporarily stored. The detection output data of one scan read out of the first memory 30 is supplied to a recognizing block 40. A touch on the touch panel is pattern-recognized by the recognizing block 40 for each scan of the scanner 20.

The output pattern data of the recognizing block 40 is applied to a second memory 50 and a data comparator 60. The second memory 50 temporarily stores the recognized pattern data produced during one scan and supplied thereto from the recognizing block 40. The data comparator 60 compares the output pattern data of the recognising block with the pattern data of the preceding scan read out of the second memory 50, to thereby detect any change in the pattern data. The comparison output data of the data comparator 60 is supplied to a decision block 70 which outputs control data corresponding to the comparison output data. In response to the comparison output data, the decision block 70 refers to a data table (not shown) and outputs predetermined control data according to the touch on the touch panel 80. A similar system is shown and described in WO-A-8505477 and the present invention is characterised thereover.

As is apparent from the above description, in the conventional touch panel control device, the touch data of the present scan is merely compared with that of the preceding scan. Therefore, if the scanning speed is increased, the control device may judge no change in the touch position between two successive scans because the distance the finger can move over a scanning period is related to the scanning speed. If, on the other hand, the scanning speed is decreased, the following error may be encountered. If a finger finely touches and is removed from the panel and the part of the panel touched has not yet been scanned (for instance the right part of the panel in the case of scanning the panel in the left-to-right direction), then that touch on the panel may not be detected.

Preferably, the entire panel surface should be scanned in about 10ms to prevent a detection miss. However, if the scanning speed is set to about 10ms, there may be an erroneous detection because, as mentioned above, finger speed cannot follow a rapid scanning speed.

Accordingly, an object of this invention is to eliminate the above-described difficulties with a conventional touch panel control device.

According to the invention there is provided a touch panel control device for outputting commands, according to how a finger touches a touch panel, the device comprising

touch position detecting means in a matrix form on said touch panel, for detecting a touch on the touch panel and providing output signals;

means for detecting the co-ordinates of the touch position from the said output signals of the said touch position detecting means and providing an output representative thereof;

scanning means for periodically providing a scanning signal to the touch position detecting means to enable touch detection;

duration timer means for providing a time measurement signal on receipt of a trigger signal from the touch position detecting means;

co-ordinate memory means for storing the co-ordinates of a current touch position on the touch panel detected by the co-ordinate detecting means;

co-ordinate comparing means for comparing, for each scan, the coordinates of the previously stored current touch position in the memory means with those of current touch position; characterised by

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an operation discriminator for determining, according to the relationship between the timer measurement signals received from the timer means and the results of the comparison from the co-ordinate comparing means, which of a plurality of predetermined outputs to issue, whereby, by the user touching and/or moving a finger across the touch panel, an operational mode for an electronic device can be commanded, said operation discriminator including means for determining which output to issue from a plurality of predetermined outputs based upon the direction and distance the finger moves in a predetermined period of time and means for determining which output to issue from the said plurality of predetermined outputs based on the time duration that the finger touches the touch panel while moving less than a predetermined distance.

In the drawings:-

Fig. 1 is a block diagram showing a conventional touch panel control device;

Fig. 2 is a front view showing a touch panel in a touch panel control device according to the invention;

Fig. 3 is a block diagram showing the touch panel control device according to the invention;

Fig. 4 is a circuit diagram of one example of a touch position detecting means in the touch panel control device of the invention.

Fig. 5 is a timing chart for a description of the operation of the touch position detecting means shown in Fig. 4;

Figs. 6, 7 and 8 are three parts of a flow chart for describing the operation of the touch panel control device of the invention; and

Figs. 9(a) and 9(b) are illustrations of displays on the touch panel.

In Fig. 2, reference numeral 1 designates a touch panel. Along the four sides of the touch panel are LEDs (light emitting diodes) 101 through 114 and light receiving means, namely, photo-transistors 201 through 214. They are alternately arranged in such a manner that the photo-transistors 201 through 214 receive light beams from the LEDs 101 through 114, respectively. The photo-transistors 201 through 214 provide high level (H) outputs upon reception of the light beams. The LEDs and the photo-transistors are alternately arranged along the side of the touch panel to eliminate the possibility that a photo-transistor might erroneously detect the light beam emitted by an adjacent LED rather than its corresponding LED.

The control system (Fig. 3) includes a touch operation discriminator 2. The discriminator 2 determines which finger movement is being performed by determining the direction of finger movement (ie. operation by the user) and the time period over which the finger touches the touch panel. A respective operation output is applied to a command discriminator 12. The command discriminator 12 supplies an operation command to a system controller 13 in response to the operation discriminated by the operation discriminator 2. The operation command controls the operation of an electronic device such as a cassette player, radio tuner, or compact disk player, and data representing the operating condition thereof is fed back to the command discriminator 12.

The operation discriminator 2 also applies a scanning pulse signal (STB signal) to a timing circuit 3 with a period of about 10ms as shown in the timing chart of Fig. 5. The scanning time is not necessarily 10ms. It should be determined on the basis of the speed of the finger scanning the panel. During the generation of the STB signal, the timing circuit 3 produces pulses for activating the LEDs 101 through 114 in Fig. 2 so that turn-on input voltages are successively applied to the input terminals 301 through 314 of the LEDs 101 through 114. The light from the LEDs 101 through 114 is applied to the photo-transistors 201 through 214, respectively, the outputs of which are provided at an output terminal 400 in Fig. 4. The timing of these serial outputs is as indicated in Fig. 5. The serial outputs are applied to a serial-to-parallel converter 4, where they are converted into parallel outputs, which are latched by a data latch 5. One scanning operation is completed when the timing circuit 3 has applied the input voltages to all the LEDs. During a waiting time T, the data latched by the data latch 5 is transferred to the operation discriminator 2.

The timing chart of Fig. 5 represents the case where the finger touches the touch panel at a point marked with a circle in Fig. 2. In this case, the outputs of the LEDs 106 and 111 are blocked and therefore the outputs of photo-transistors 206 and 211 are maintained at a low level (L). Therefore, the data latched by the data latch circuit 5 is:

1 1 1 1 1 0 1 1 in the X-direction

1 1 0 1 1 1 in the Y direction

As apparent from the above, the coordinates of the touch position can be detected from the position of the "0" levels in the data latch.

During the waiting time T, the output of the data latch circuit 5 are simultaneously applied to a NOR gate 8, the output of which is raised to H when the finger touches the panel.

With further reference to Fig. 3, there is shown a coordinate memory 6 for storing the coordinates of a touch position at the start of a touch detecting operation or at the end of an operation (ie. it retains the touch

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position until the next operation); and a timer 7 which is reset in synchronism with the storing operation of the coordinate memory 6, to start its time counting operation. The control system further comprises an arithmetic circuit (not shown) for comparing the coordinates of the present touch position with those stored in the coordinate memory 6, to detect the direction of movement of the finger on the panel 1; a touch
 5 memory 10 for storing the touch and non-touch on the touch panel 1; and a command memory 11 for storing the user operation determining output which is discriminated by the operation discriminator 2 and applied to the command discriminator 12.

The operation discriminator 2 supplies a CMD signal representing the operation given to the touch panel 1 to the command discriminator 12. In response to the CMD signal the command discriminator 12
 10 applies a command to the system controller 13 for operating the acoustic device.

In general, the following commands are required for acoustic devices used in vehicles:

(1) Tape deck

Fast forward, rewind, stop, repetitive playback, jump for station and playback.

(2) Tuner

15 Up sweep, down sweep, preset channel up, preset channel down, channel preset, and auto tuning

(3) Compact disk

Playback, partial repeat, whole repeat, skip, stop, jump for music, and disk take-out.

As is apparent from the above, six or seven different commands are required for each acoustic device used in vehicles.

20 These commands can be issued by utilisation of, for example, seven finger movements or operations on the touch panel; movements of the finger upwardly, downwardly, right and left (in, D, R, & L), keeping the finger at a point (KEEP), touching the panel briefly (HIT) and touching the panel briefly twice (2HIT). The above described operations are discriminated by the discriminator 2 which provides outputs to the command discriminator 12 which gives appropriate commands to the acoustic devices.

25 The above-described operations can be discriminated not only by the contents of the arithmetic circuit, but also based on the touch memory circuit 10 in which the touch condition of the preceding scan is stored, the content of the command memory 11 which stores the command or output given to the command discriminator 12 before the scan, and the time determined by the timer 7.

For instance, the commands can be issued as follows:

30 (1) When the co-ordinate changes are at least four a second, the commands corresponding to U, D, R and L operations (movements) are outputted separately;

(2) The command KEEP is outputted when the finger is kept on the touch panel for at least one second and moves three co-ordinate positions or less.

35 (3) The command HIT is outputted when the finger is kept on the panel for 0.5 second or less, and moves three coordinates or less.

(4) The command 2HIT is outputted when, within two seconds after the issue of the command HIT, the finger is moved (operated) in the same manner as in the case of outputting the command HIT.

A method of discriminating the above-described finger operations will be described with reference to the flow charts of Figs. 6, 7, and 8.

40 In these figures, steps 1 through 7 form a routine for starting, when the finger touches the panel, storage of the co-ordinates of that position and the operation of the timer. After the operation discriminator 2 outputs a scan instruction signal (STB) in step 1, in step 2 it is determined whether or not the finger touches the panel. When it is determined that the finger has touched the touch panel in step 3 the coordinates of that position are read. In step 4, the content of the touch memory 10, which stores the touch condition of
 45 the touch condition of the preceding scan, is read to determine whether or not the finger has touched the panel for the first time. If it is determined that the content of the touch memory 10 has been cleared, then in step 5 a "1" is written into the touch memory. In step 6 the above-described coordinates of the position are stored in the coordinate memory 6, and in step 7 the timer is reset and started.

50 (1) Discrimination of the finger operations U, D, R and L

Discrimination of the finger operations U, D, R and L is achieved in steps 8 through 17.

In step 8, the coordinates stored in the coordinate memory 10 are compared with the present coordinates to obtain the variations in the X- and Y-directions. In step 9, by referring to the command
 55 memory 11 which stores the operation content outputted previously, it is determined whether or not the upward, downward, rightward or leftward operation has been applied to the command discriminator 12. If it is determined that one of such operations has been applied thereto, then it is unnecessary to discriminate the movement in that direction again, and steps 11 and 11' are effected in which the movement in a

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direction perpendicular to the direction of that movement is detected so that the finger movement may not be regarded as "the finger is moved four coordinates twice", when the finger is moved eight coordinates or more. If no command is applied to the command discriminator 12, then in step 10 it is determined, from the above-described variations, whether the finger is moved horizontally or vertically.

In step 12, it is determined whether, in each of the X- and Y-directions, the finger is moved in the positive (+) direction or in the negative (-) direction, so that in step 13 the operation content corresponding to the direction of movement is provided.

In step 14, the operation content thus provided is applied to the command discriminator 12 (in this operation, the command discriminator 12 supplies the instruction to the system controller 13 which has been predetermined for the electronic equipment in use), and in step 15 the operation content is stored in the command memory 11.

In step 16, the coordinates stored in the coordinate memory are rewritten into those of the touch position obtained at the time of outputting the operation content, and in step 17, the timer is reset so that the following discrimination is carried out.

(2) Discrimination of the finger operation KEEP

The finger operations KEEP and HIT are distinguished from each other according to how long the finger touches the touch panel. Therefore, if the finger operation KEEP is determined merely from the time count data of the timer 7, then the determination may include the finger operation HIT. That is, in the following case:

0 to 0.5 second	HIT
0.5 to 1 second	Not applicable
More than 1 second	KEEP

while the finger operation KEEP is discriminated the finger operation HIT may occur. In the case where the touch time is 0.5 to 1 second, no action is taken, as was listed above. This is to prevent an erroneous operation which may be caused when the finger operations are not strictly defined. Therefore, the step may be eliminated as the case may be.

Therefore, in a routine consisting of steps 18 through 25 as shown in Fig. 7, when at step 20 the time count data of the timer exceeds one (1) second and in step 22 it is determined that the finger operation KEEP has not been supplied as the operation content to the command discriminator 12, then it is supplied as the operation content to the command discriminator 12 in step 24. The reason why, in step 22, it is detected whether or not the finger operation KEEP has been supplied as the operation content is to prevent the difficulty that, when the finger touches the touch panel for more than two seconds, the finger operation KEEP may be provided as the operation content two or more times.

When in step 18 the touch time is shorter than 0.5 second, in step 19 the finger operation HIT is provided as the operation content; however, it is not applied to the command discriminator 12 yet in the flow chart.

(3) Discrimination of the finger operations HIT and 2HIT

The finger operations HIT and 2HIT can be identified as shown in the flow chart of Fig. 8.

When in step 2 of Fig. 6 it is determined that the finger is not in touch with the touch panel, then in step 26 it can be determined by referring to the touch memory 10, adapted to store the touch or non-touch detected in the preceding scan, whether or not the touch was just now released. When it is determined that the touch was released just now, then the content of the touch memory 11 is "1". In step 27, the content of the touch memory 11 is cleared, and in step 29 it is determined whether or not the operation content is of the finger operation HIT. That is, if in step 19 of Fig. 7 the finger operation HIT is provided as the operation content, then step 30 is effected. In step 30, when it is determined from the content of the command memory 11 that nothing is provided, then the operation content, or HIT, is applied to the command discriminator 12. If the finger operation HIT is applied as the operation content in the command memory 11, then it is the second finger operation HIT, and therefore the finger operation 2HIT is applied as the operation content to the command discriminator 12. If the storage data of the command memory 11 is other than that, then in a routine of steps 36 through 38 the command memory and the operation content are cleared and the timer is stopped.

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When in step 26 it is determined that the content of the touch memory 10 has been cleared since the preceding scan, then step 28 is effected. If, in step 28, the timer shows the lapse of two seconds, i.e. nothing is operated for two seconds, then the routine of steps 36, 37 and 38 is effected.

The operation discriminator 2 can apply the seven operating modes to the command discriminator 12 in the above described manner.

In the operation discriminator 2, the above-described operation contents are converted into commands (outputs) suitable for the operations of the acoustic devices to be controlled in such a manner that any one of the commands can be used for a plurality of acoustic devices - for instance the finger operation R is used for the "up direction sweep" of a tuner and also for the "fast forward" of a tape deck. The commands are applied to the system controller 13 by the command discriminator 12. In response to the commands, the system controller 13 controls the operations of the acoustic devices.

In the above-described embodiment, the seven finger operations are discriminated, and in response to the seven finger operations thus discriminated the command discriminator outputs the commands. If the seven finger operations are utilised in combination, then more commands can be issued.

For instance, in the case of a tape deck, the finger operations may be combined as follows: When, after the "fast forward" operation is selected by the finger operation R, the finger operation U is carried out, a so-called "FF Scan" operation can be performed in which the "fast forward" operation of the tape is carried out to detect an intermusic region, and after the sound reproduction is performed, the "fast forward" operation is carried out again. When the finger operation R is followed by the finger operation D, the "FF music search" operation is carried out.

In this case, the system controller 13 applies data representing the operating condition of the acoustic device to the command discriminator 12 at all times, and the command provided by the command discriminator is determined according to the operating condition.

In the case of the tape deck described above, normally the finger operation R is used for the command "fast forward", and the finger operation U is for the command "volume up". However, during the "fast forward" operation, the finger operation U is used to output the command "FF scan".

If a plurality of operation outputs are combined to provide a command in the above-described manner, then the finger operations can be applied to a variety of operation modes of acoustic devices mounted in a vehicle.

The touch panel 1 may comprise a picture display unit such as a cathode ray tube (CRT). The system controller 13 applies display mode data to a CRT driver 14 in correspondence to an acoustic device in use, thereby to control the display on the touch panel 1.

Figs. 9(a) and 9(b) show examples of a CRT display. More specifically, the part (a) of Fig. 9 shows a CRT display in the "tape deck" mode, and the part (b) of Fig. 9 shows a CRT display in a "tuner" mode.

In Fig. 9, the finger operations U, D, R and L are indicated by the arrows which are extended upwardly, downwardly, rightwardly and leftwardly, respectively, and finger operations HIT, 2HIT and KEEP are indicated by one dot, two dots and a bar, respectively; and the compound finger operations are indicated by the bent arrows - for instance the compound finger operation R U is indicated by the arrow which is extended rightwardly and then upwardly.

Therefore, merely by moving the finger according to the indications or marks displayed on the touch panel, the commands corresponding to the finger operations can be applied to the system controller 13.

The contents of the display on the display unit can be changed according to the operation conditions of an acoustic device to be controlled. For instance, for the "fast forward" operation of a tape deck, the mark ">>" is caused to flicker or its colour is changed, so that the operator can detect whether or not the finger operation on the touch panel has been carried out correctly, to thereby prevent erroneous operation.

As shown in Fig. 9 the display mark "2nd" is provided for the finger operation KEEP. It can be utilized in the case where the number of finger operations is smaller than the number of commands to be issued. That is, in this case, the first picture display is switched over to the second picture display by one finger operation (KEEP in this case) so that the command discriminator 12 can provide commands different from those used when the first picture display is employed. That is, more intricate operations of electronic devices can be controlled.

As is apparent from the above description, the predetermined commands can be issued according to the distance of movement of the finger over the touch panel, the period of time for which the finger touches the touch panel, and the number of time the touch panel is touched with the finger, and one and the same touch panel can be used for a plurality of acoustic devices such as a cassette tape player and a radio tuner installed in a vehicle. Therefore, the limited space in the vehicle can be efficiently utilized, and the touch panel control device installed will never obstruct the operator's driving.

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Furthermore, since the touch panel serves as the display unit, the probability of erroneous operation is decreased.

Claims

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1. A touch panel control device for outputting commands, according to how a finger touches a touch panel (1), the device comprising

touch position detecting means (101,114,201,214) in a matrix form on said touch panel (1), for detecting a touch on the touch panel and providing output signals;

means (4,5) for detecting the co-ordinates of the touch position from the said output signals of the said touch position detecting means and providing an output representative thereof;

scanning means (2,3) for periodically providing a scanning signal to the touch position detecting means to enable touch detection;

duration timer means (7) for providing a time measurement signal on receipt of a trigger signal from the touch position detecting means;

co-ordinate memory means (6) for storing the co-ordinates of a current touch position on the touch panel detected by the co-ordinate detecting means (4,5);

co-ordinate comparing means for comparing, for each scan, the coordinates of the previously stored current touch position in the memory means with those of a current touch position;

characterised by

an operation discriminator (2) for determining, according to the relationship between the timer measurement signals received from the timer means (7) and the results of the comparison from the co-ordinate comparing means, which of a plurality of predetermined outputs to issue, whereby, by the user touching and/or moving a finger across the touch panel (1), an operational mode for an electronic device can be commanded, said operation discriminator including means for determining which output to issue from a plurality of predetermined outputs based upon the direction and distance the finger moves in a predetermined period of time and means for determining which output to issue from the said plurality of predetermined outputs based on the time duration that the finger touches the touch panel while moving less than a predetermined distance.

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2. A device according to claim 1, further including a command discriminator for receiving the outputs from the operation discriminator and for issuing respective operational commands to the electronic device.

3. A device as claimed in claim 1 or claim 2, wherein the touch position detecting means comprises light emitting elements (101-114) and light receiving elements (201-214) arranged along the sides of the touch panel (1) in such a manner that said light receiving elements receive light beams emitted by respective light emitting elements.

4. A device as claimed in claim 2, in which the touch panel (1) comprises a picture display unit, the display of which is changeable according to the operating conditions of the electronic device to be controlled.

40

Patentansprüche

1. Eine Berührungsschalttafel-Steuereinrichtung zum Ausgeben von Befehlen entsprechend einer Art und Weise, wie ein Finger eine Berührungsschalttafel (1) berührt, wobei die Vorrichtung umfaßt:

die Berührstellen nachweisende Vorrichtungen (101, 114, 201, 214), die in der Form einer Matrix auf der Berührungsschalttafel (1) angeordnet sind, um eine Berührung auf der Berührungsschalttafel nachzuweisen und Ausgabesignale zu schaffen;

Vorrichtungen (4, 5) zum Feststellen der Koordinaten der Berührungsstellen aus den Ausgabesignalen der, die Berührungsstellen nachweisenden Vorrichtungen und zum Schaffen einer Ausgabedarstellung davon;

abasternde Vorrichtungen (2, 3), um periodisch ein Abrastersignal für die, die Berührungslagen nachweisenden Vorrichtungen bereitzustellen, um einen Berührungsnachweis zu ermöglichen;

eine Zeitdauermeßvorrichtung (7), um ein Zeitmeßsignal nach Empfang eines Auslösesignals von den, die Berührungslage nachweisenden Vorrichtungen zu schaffen;

eine Koordinatenspeichervorrichtung (6) zum Speichern der Koordinaten einer vorliegenden Berührungsstelle auf der Berührungsschalttafel, die von den, die Koordinaten feststellenden Vorrichtungen (4,

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5) festgestellt wurden;

eine die Koordinaten vergleichende Vorrichtung zum Vergleichen der Koordinaten der vorher gespeicherten vorliegenden Berührungsstelle in der Speichervorrichtung mit denen einer gegenwärtig vorliegenden Berührungsstelle bei jedem Abrastervorgang;

gekennzeichnet durch

eine Betriebsunterscheidungs Vorrichtung (2), um entsprechend der gegenseitigen Beziehung zwischen den von der Zeitmeßvorrichtung (7) empfangenen Zeitmeßsignalen und den Ergebnissen des Vergleichs von der die Koordinaten vergleichenden Vorrichtung zu bestimmen, welche Ausgaben aus einer Vielzahl von vorbestimmten Ausgaben auszugeben sind, wodurch, wenn der Benutzer die Berührungsschalttafel (1) berührt und/oder einen Finger darüber bewegt, eine Betriebsweise für eine elektronische Vorrichtung angewiesen werden kann, wobei die Betriebsunterscheidungs Vorrichtung eine Vorrichtung einschließt, um zu bestimmen, welche Ausgabe von einer Vielzahl von vorbestimmten Ausgaben auf der Grundlage der Richtung und Entfernung des sich bewegenden Fingers während einer vorbestimmten Zeitdauer auszugeben ist, und die weiter eine Vorrichtung einschließt, um zu bestimmen, welche Ausgabe aus der Vielzahl von vorbestimmten Ausgaben auf der Grundlage der Zeitdauer, in der der Finger die Berührungsschalttafel berührt, wenn er weniger als eine vorbestimmte Strecke sich bewegt, auszugeben ist.

2. Eine Vorrichtung nach Anspruch 1, die weiter eine Befehlsunterscheidungs Vorrichtung einschließt, um die Ausgaben von der Betriebsunterscheidungs Vorrichtung zu empfangen und entsprechende Betriebsanweisungen an die elektronische Vorrichtung auszusenden.

3. Eine Vorrichtung nach Anspruch 1 oder 2, wobei die, die Berührungsstelle nachweisenden Vorrichtungen Licht emittierende Elemente (101-114) und Licht empfangende Elemente (201-214) umfassen, die entlang der Seiten der Berührungsschalttafel in einer solchen Weise angeordnet sind, daß die Licht empfangenden Elemente Lichtstrahlen empfangen, die von den entsprechenden Licht emittierenden Elementen emittiert wurden.

4. Eine Vorrichtung nach Anspruch 2, in der die Berührungsschalttafel (1) eine Bildanzeigeeinheit umfaßt, deren Anzeige sich gemäß dem Betriebszustand der zu steuernden elektronischen Vorrichtung ändern kann.

Revendications

1. Dispositif de commande de panneau tactile destiné à émettre des commandes conformément à la façon dont un doigt effleure un panneau tactile (1), le dispositif comprenant :

un moyen de détection de position d'effleurement (101, 114, 201, 214) sous forme matricielle situé sur ledit panneau tactile (1) pour détecter un effleurement sur le panneau tactile et pour produire des signaux de sortie ;

un moyen (4, 5) pour détecter les coordonnées de la position d'effleurement à partir desdits signaux de sortie dudit moyen de détection de position d'effleurement et pour produire une sortie représentative de celles-ci ;

un moyen de balayage (2, 3) pour produire périodiquement un signal de balayage pour le moyen de détection de position d'effleurement afin de permettre une détection d'effleurement ;

un moyen de minuterie de durée (7) pour produire un signal de mesure de temps suite à la réception d'un signal de déclenchement en provenance du moyen de détection de position d'effleurement ;

un moyen de mémoire de coordonnées (6) pour stocker les coordonnées d'une position d'effleurement courante sur le panneau tactile détecté par le moyen de détection de coordonnées (4, 5) ;

un moyen de comparaison de coordonnées pour comparer, pour chaque balayage, les coordonnées de la position d'effleurement courante stockées préalablement dans le moyen de mémoire à celles d'une position d'effleurement courante ;

caractérisé par :

un discriminateur de fonctionnement (2) pour déterminer, conformément à la relation qui lie les signaux de mesure de minuterie reçus depuis le moyen de minuterie (7) et les résultats de la comparaison en provenance du moyen de comparaison de coordonnées, laquelle d'une pluralité de sorties prédéterminées il convient de délivrer, d'où il résulte que, du fait de l'effleurement de l'utilisateur et/ou du déplacement d'un doigt sur le panneau tactile (1), un mode de fonctionnement pour

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un dispositif électronique peut être commandé, ledit discriminateur de fonctionnement incluant un moyen pour déterminer quelle sortie il convient de délivrer parmi une des sorties prédéterminées sur la base de la direction et de la distance selon lesquelles le doigt se déplace pendant une période temporelle prédéterminée et un moyen pour déterminer quelle sortie il convient de délivrer parmi lesdites pluralités de sorties prédéterminées sur la base de la durée temporelle pendant laquelle le doigt affleure le panneau tactile tout en se déplaçant sur une distance inférieure à une distance prédéterminée.

2. Dispositif selon la revendication 1, incluant en outre un discriminateur de commande pour recevoir les sorties en provenance du discriminateur de fonctionnement et pour délivrer des commandes de fonctionnement respectives au dispositif électronique.
3. Dispositif selon la revendication 1 ou 2, dans lequel le moyen de détection de position d'effleurement comprend des éléments émetteurs de lumière (101-114) et des éléments récepteurs de lumière (201-214) agencés le long des côtés du panneau tactile (1) d'une manière telle que lesdits éléments récepteurs de lumière reçoivent des faisceaux lumineux émis par les éléments émetteurs de lumière respectifs.
4. Dispositif selon la revendication 2, dans lequel le panneau tactile (1) comprend une unité d'affichage d'image dont l'affichage peut être modifié en relation avec les conditions de fonctionnement du dispositif électronique qui doit être commandé.

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FIG. 1

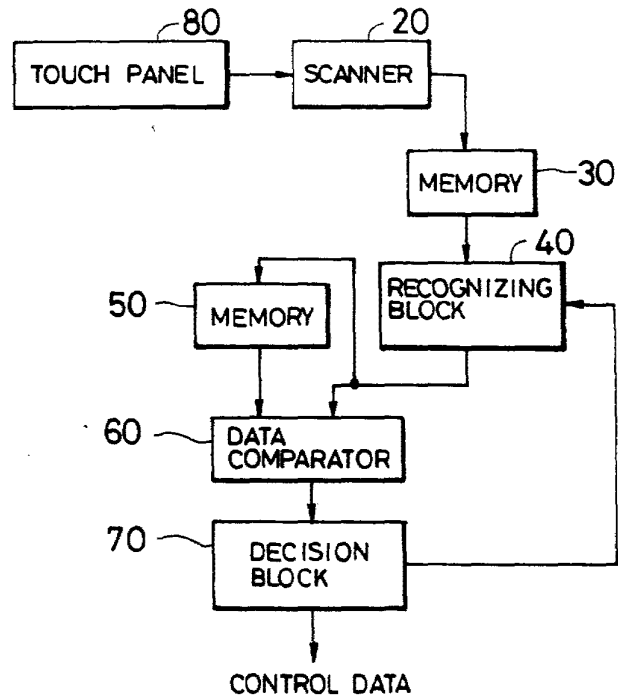


FIG. 2

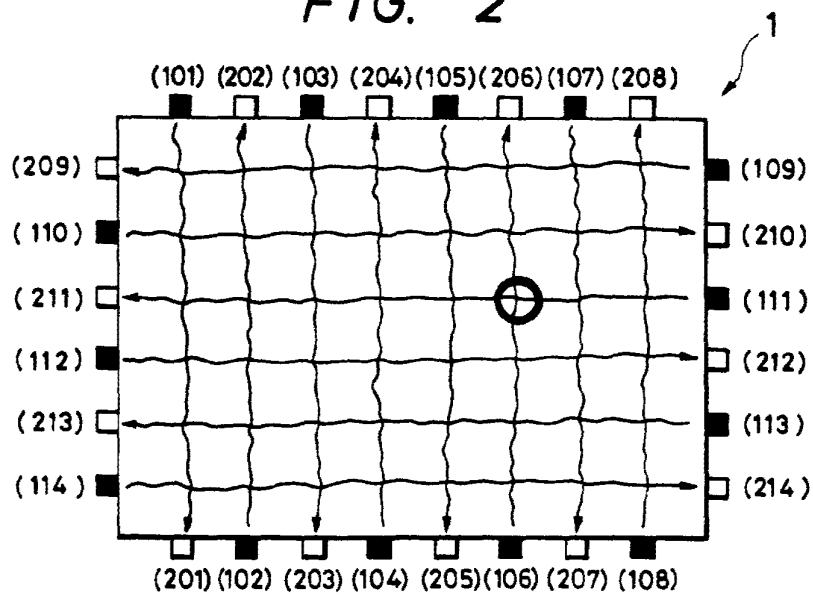
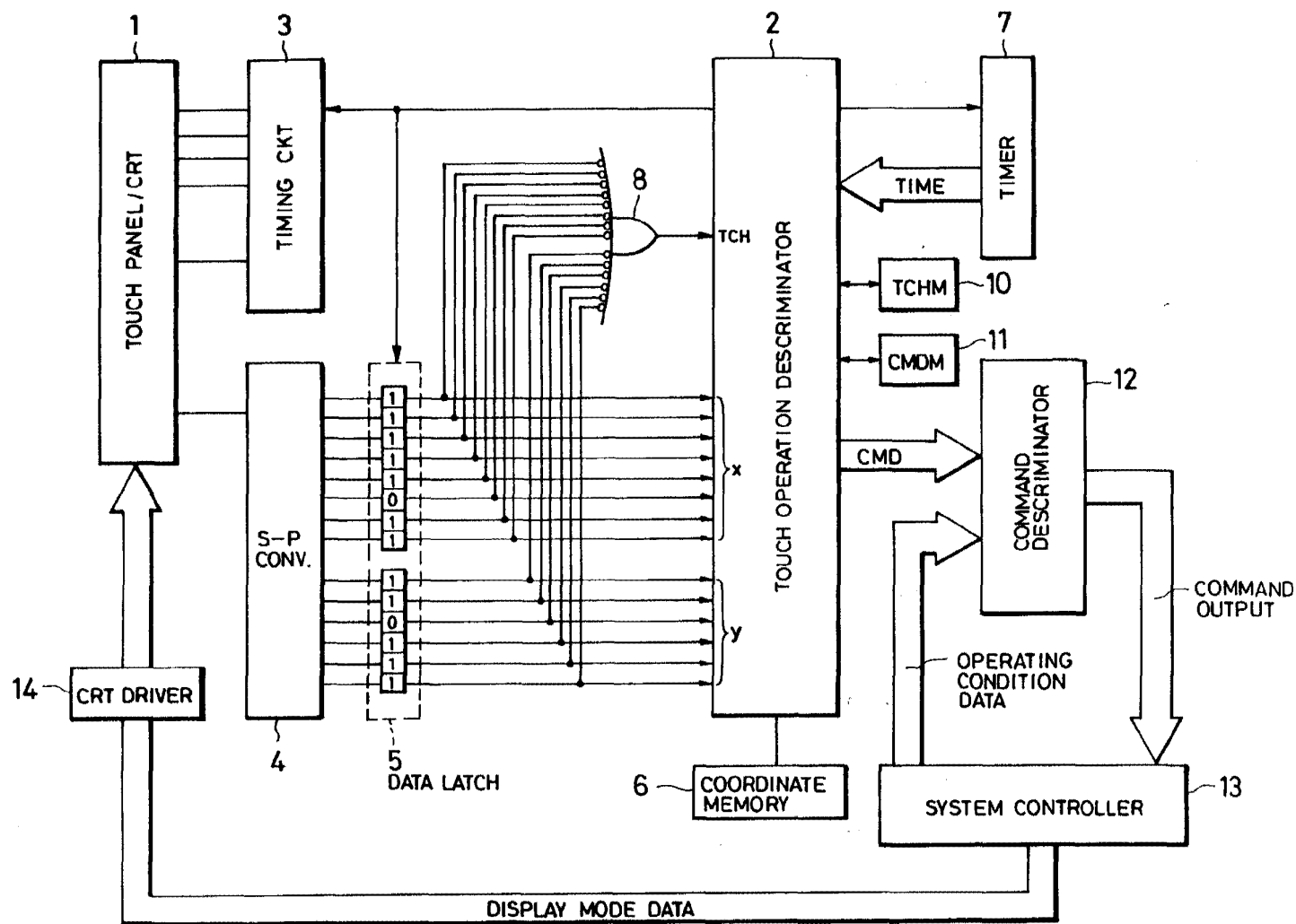
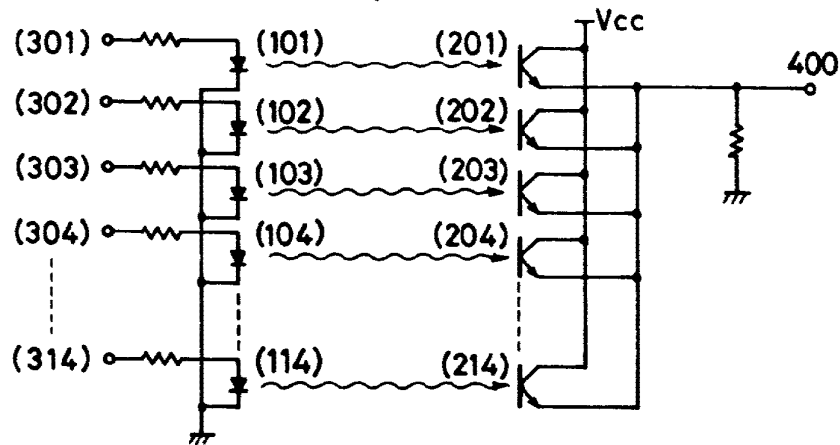
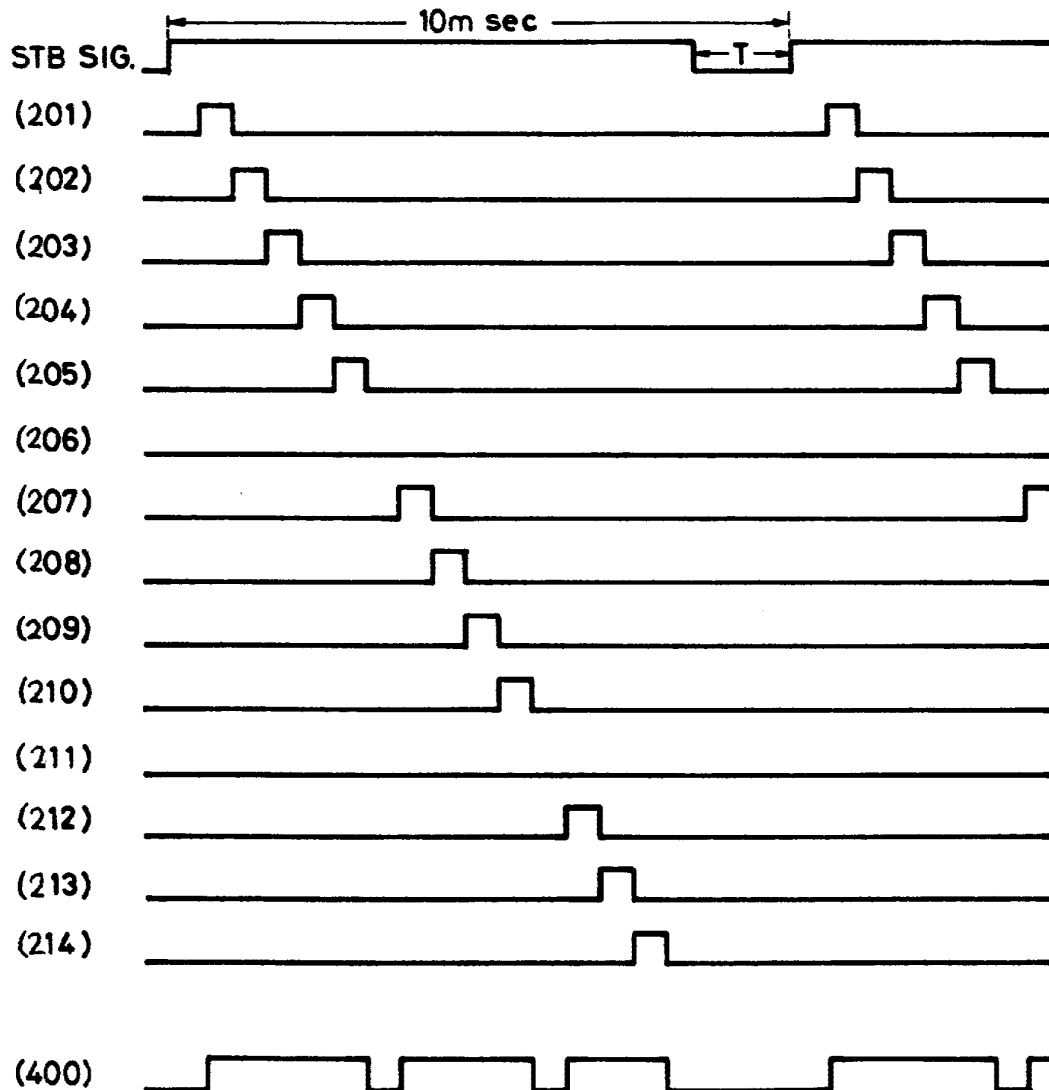


FIG. 3

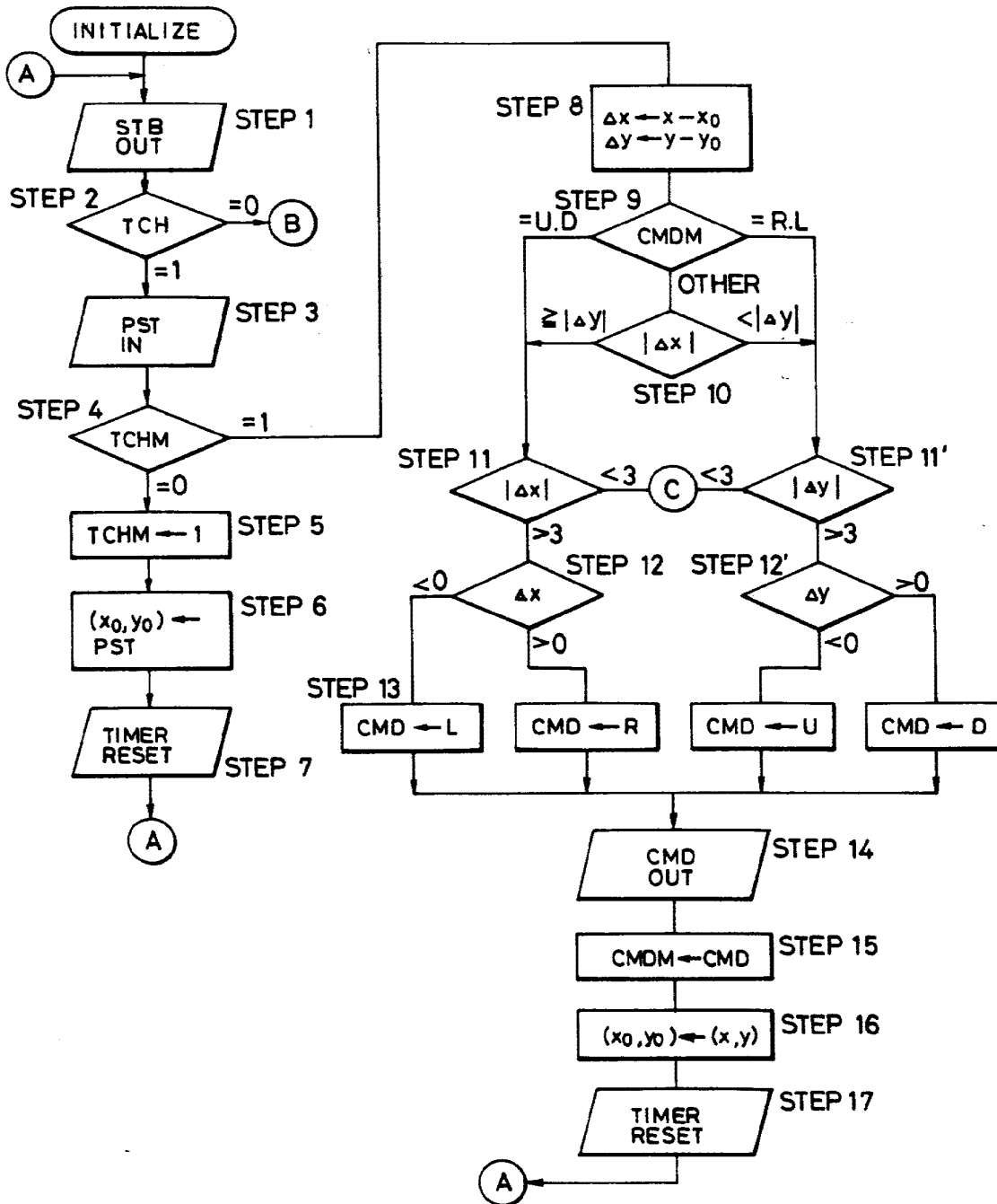


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FIG. 4**FIG. 5**

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FIG. 6



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FIG. 7

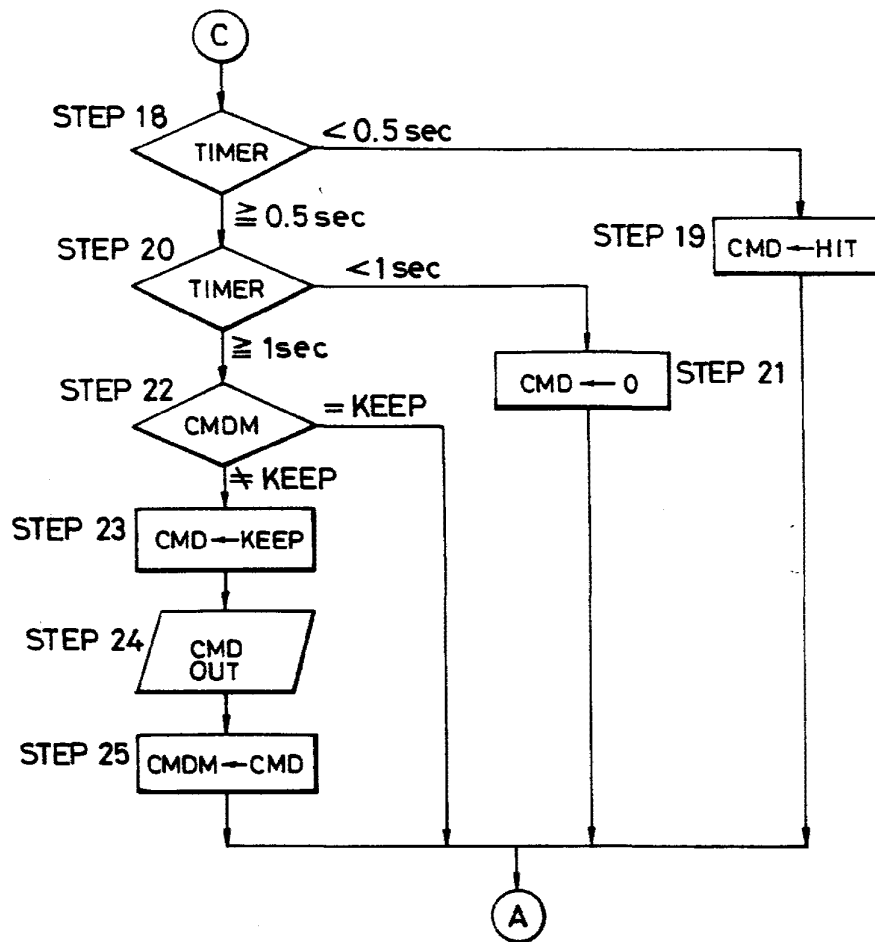


FIG. 9(a)

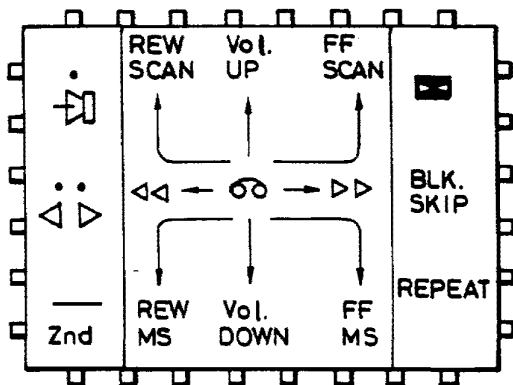
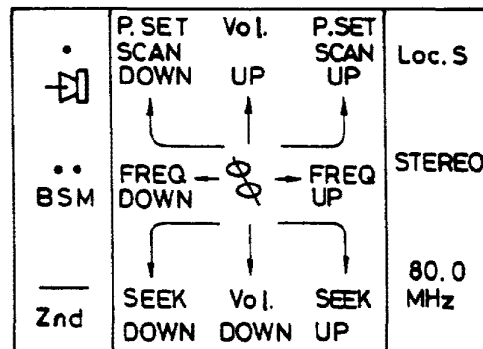
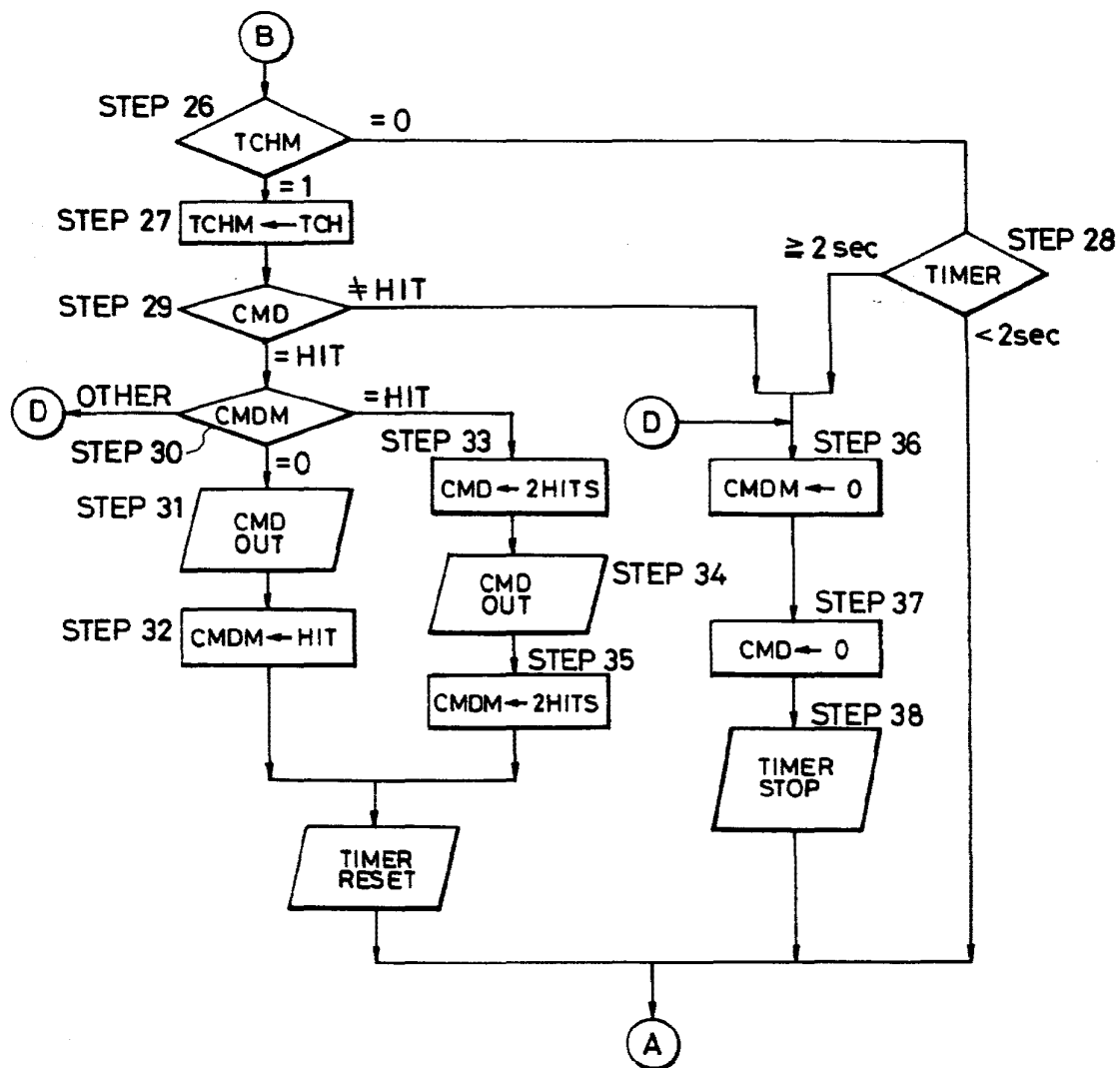


FIG. 9(b)



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FIG. 8



Electronic Patent Application Fee Transmittal

Application Number:	10315250			
Filing Date:	10-Dec-2002			
Title of Invention:	User interface			
First Named Inventor/Applicant Name:	Magnus Goertz			
Filer:	Marc Aron Berger			
Attorney Docket Number:	NEONODE.P004			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

Electronic Acknowledgement Receipt

EFS ID:	5265128
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	04-MAY-2009
Filing Date:	10-DEC-2002
Time Stamp:	09:58:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	6235
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Information Disclosure Statement (IDS) Filed (SB/08)	NEONODE_P004_IDS_4_May_2009.pdf	608058 c778c8e6e1ab128465ca00f0e3eb08645d09775f	no	4
Warnings:					
Information:					
A U.S. Patent Number Citation or a U.S. Publication Number Citation is required in the Information Disclosure Statement (IDS) form for autoloading of data into USPTO systems. You may remove the form to add the required data in order to correct the Informational Message if you are citing U.S. References. If you chose not to include U.S. References, the image of the form will be processed and be made available within the Image File Wrapper (IFW) system. However, no data will be extracted from this form. Any additional data such as Foreign Patent Documents or Non Patent Literature will be manually reviewed and keyed into USPTO systems.					
2	Foreign Reference	EP0330767.pdf	894696 38b2b70ee97575a404c9671d5cc1baa33391d3df	no	15
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	29914 c5f0cf326ff54ac49d95594c23f88d2bae23d43	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1532668		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Attorney's Docket No.: NEONODE.P004 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:)	
	)	Examiner: Ryan F. Pitaro
Magnus Goertz)	
	)	Art Unit: 2174
Application No: 10/315,250)	
)	
Filed: December 10, 2002)	
)	
For: USER INTERFACE FOR)	
MOBILE HANDHELD)	
COMPUTER UNIT)	
_____)	

Mail Stop AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION
UNDER 37 C.F.R. §1.111

Sir:

 In response to the Office Action dated December 23,
2008, applicant respectfully requests that the above-identified application
be amended as follows:

IN THE CLAIMS:

Please cancel claims **17** and **19 – 47** without prejudice.

Please substitute the following claims for the pending claims with the same number:

1. (currently amended) A computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising:

a touch sensitive area in which representations of a ~~plurality of functions~~ at least one function are displayed, and each function of said ~~plurality of functions~~ at least one function being mapped to a corresponding location in the touch sensitive area at which the representation of the function is displayed, and being activated by an object touching the corresponding location and then gliding along the touch sensitive area away from the touched location.

2. (currently amended) The computer readable medium of claim **1**, wherein one function from the ~~plurality of functions~~ at least one function, when activated, causes the user interface to display icons representing different services or settings for a currently active application.

3. (previously presented) The computer readable medium of claim **2**, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a display icon corresponding to the preferred service or setting.

4. (currently amended) The computer readable medium of claim **1**, wherein one function from the ~~plurality of functions~~ at least one function, when activated, causes the user interface to display a keyboard and a text field.

5. (previously presented) The computer readable medium of claim **4**, wherein said text field is used for inputting and editing of text through said keyboard.

6. (currently amended) The computer readable medium of claim **1**, wherein one function from the ~~plurality of functions~~ at least one function, when activated, causes the user interface to display a list with a library of available applications and files on the mobile handheld computer unit.

7. (previously presented) The computer readable medium of claim **6**, wherein the user interface is characterised in, that a selection of an application or file is done by gliding the object along said touch sensitive area so that a representation of a desired one of said application or file is highlighted, raising said object from said touch sensitive area, and then tapping on said touch sensitive area.

8. (previously presented) The computer readable medium of claim **7**, wherein the user interface is characterised in, that at any given time said list presents only files or only applications, and that an area of said list presents a field through which said list can be changed from presenting files to presenting applications, or from presenting applications to presenting files.

9. (currently amended) The computer readable medium of claim **7**, wherein the user interface is characterised in, that, one item in said list is highlighted by a moveable marking, and the user interface enables list navigation whereby gliding the object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list causes said marking to move in the same direction without scrolling the list.

10. (currently amended) The computer readable medium of claim **9**, wherein the user interface is characterised in, that, if the number of applications or files in said list exceeds the number of applications or files that can be presented on said touch sensitive area as content, and if the object is (i) glided along said touch sensitive area to the top or bottom ~~position~~ of said touch sensitive area, then (ii) raised above said touch sensitive area, then (iii) replaced on said touch sensitive area, and then (iv) again glided along said touch sensitive area to the top or bottom of said touch sensitive area, said list navigation pages the content of said ~~touch sensitive area will be replaced~~ list up or down by one whole page.

11. (currently amended) The computer readable medium of claim **10**, wherein the user interface is characterised in, that if the object is raised from any first position on said touch sensitive area and then replaced on any second position on said touch sensitive area, said list navigation can be continued from said second position.

12. (currently amended) The computer readable medium of claim **1**, wherein the user interface is characterised in, that an active application, function, service or setting is ~~moved on~~ advanced one step by gliding the

object along the touch sensitive area from left to right, and that the active application, function, service or setting is closed or backed one step by gliding the object along the touch sensitive area from right to left.

13. (currently amended) The computer readable medium of claim **1**, wherein the user interface is characterised in, that said representations of said ~~plurality of functions~~ at least one function are located at the bottom of said touch sensitive area.

14. (previously presented) The computer readable medium of claim **1**, wherein the touch sensitive area is 2-3 inches in diagonal dimension.

15. (previously presented) An enclosure adapted to cover the mobile handheld computer unit according to Claim **1**, characterised in, that said enclosure is provided with an opening for said touch sensitive area.

16. (previously presented) The enclosure according to Claim **15**, characterised in, that said enclosure is removable and exchangeable.

17. (cancelled)

18. (currently amended) ~~[[A]]~~ The computer readable medium according to Claim ~~**17**~~ of claim **1**, characterised in, that said computer program ~~product~~ code is adapted to function as a shell upon an ~~operations~~ operating system.

19. – 47. (cancelled)

REMARKS

Applicant has carefully studied the outstanding Office Action. The present amendment is intended to place the application in condition for allowance and is believed to overcome all of the objections and rejections made by the Examiner. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant has cancelled claims **17** and **19 – 47**, and amended claims **1, 2, 4, 6, 9 – 13** and **18** to properly claim the present invention. No new matter has been introduced. Claims **1 – 16** and **18** are presented for examination.

In Paragraphs 3 and 4 of the Office Action, the Examiner has rejected claim **1** under 35 U.S.C. §102(e) as being anticipated by Nakajima et al., US Patent No. 6,346,935 (“Nakajima”).

In Paragraphs 5 and 6 of the Office Action, the Examiner has rejected claims **2 – 11** and **14 – 18** under 35 U.S.C. §103(a) as being unpatentable over Nakajima in view of Rogue, “Palm Pilot: The Ultimate Guide, 2nd Edition (“Rogue”). Applicant has canceled claim **17** without acquiescence to the Examiner’s reasons for rejection and respectfully submits that rejection of those claims is thus rendered moot.

In Paragraph 7 of the Office Action, the Examiner has rejected claims **12** and **13** under 35 U.S.C. §103(a) as being unpatentable over Nakajima in view of Rogue, and further in view of O’Rourke, US Patent No. 7,225,408 (“O’Rourke”).

Distinctions between Claimed Invention and U.S. Patent No. 6,346,935 to Nakajima et al., Rogue, Palm Pilot: The Ultimate Guide, 2nd Edition, and U.S. Patent No. 7,225,408 to O'Rourke

Aspects of the subject invention concern a touch-based user interface with functionalities for running interactive applications using touch-based icons, for inputting text using a touch-based keypad, and for managing files using a touch-based file listing. User inputs include finger taps and movements. One such movement is a "rubbing" / "swiping" / "touch-and-glide" movement, whereby a finger touches a touch-sensitive screen at a location where an icon for a function is displayed, and then rubs / swipes / glides, along the touch screen away from the location without lifting the finger. The touch-and-glide movement of the subject claimed invention is illustrated in FIGS. 2, 7 and 10 of the original specification by a left-arrow and a thumb touching a touch-sensitive screen.

The touch-and-glide movement of the subject claimed invention is used to activate functions (original specification/ Abstract; page 2, lines 25 – 28; page 5, lines 24 – 27; FIG. 2; original claim **1**), and to scroll a selector forward and backward within a list to select a desired item in the list, and to page up and page down within a list (original specification/ page 3, lines 28 – page 4, line 2; page 7, lines 7 – 10; page 7, line 27 – page 9, line 14; FIGS. 7 and 10; original claims **7**, **9** and **10**). The touch-and-glide movement of the subject claimed invention activates a function that corresponds to the icon displayed at the touch point.

Nakajima teaches several touch pads for operating a notebook personal computer. The touch pads are designed efficiently so as to avoid waste of their touch-sensitive areas caused by raised frames

that surround the touch-sensitive areas. As shown in FIG. 13 of Nakajima, and described at col. 2, lines 52 – 65, for prior art touch pads, the regions of a touch-sensitive area that border the inner periphery of the frame, along a strip of width G, are blocked by the frame from access by a finger, F. As such, these border regions of the prior art touch-sensitive area are wasted.

The touch pads of Nakajima have frames with inner peripheries that are designed to enable a user to access border regions of the touch-sensitive areas. Examples of such designs are shown in FIGS. 5, 6 and 9 of Nakajima. A no-sensor area, denoted Ans in FIG. 9, separates an effective sensor area, denoted Ls in FIG. 9, from the inner periphery of frame 6E. Recesses and curvatures in the inner periphery of the frame make it possible for a finger to touch all portions of effective sensor area Ls, including the edges and corners thereof. Moreover, the inner periphery of frame 6E serves as a convenient guide, to assist the finger in moving to a desired edge and corner of effective sensor area Ls. In distinction, these edge and corner regions are inaccessible with the prior art touch pad shown in FIG. 13 of Nakajima.

The edge and corner regions of the touch-sensitive areas, when touched, trigger activation of functions corresponding to the touched regions. FIGS. 16 and 21 of Nakajima, and the description at col. 17, line 60 – col. 18, line 30, show an exemplary correspondence between border regions 2202 - 2207 of a touch-sensitive area 2101, and operations that they trigger when double-tapped.

Rogue is a user's guide for the PalmPilot device. Rogue teaches how to operate the PalmPilot's touch-based user interface, and the various functions that are available.

O'Rourke describes a medical information system and a user interface for medical staff to access, process and update patient record information via portable palmtop devices, and to transfer such information between portable devices. The user interface of O'Rourke is illustrated in FIGS. 9 – 20 of O'Rourke.

Response to Examiner's Arguments

In rejecting independent claim **1**, the Examiner, citing Nakajima col. 15, lines 1 – 15, has indicated that Nakajima teaches activating a function by an object touching a location corresponding to the function and then gliding along the touch sensitive area away from the location.

Applicant respectfully submits that the frame-guided movement of Nakajima is of a fundamentally different nature than the touch-and-glide movement of the subject claimed invention. The frame-guided movement of Nakajima glides over a non-touch sensitive portion of the screen. Specifically, as shown in FIG. 9 of Nakajima and described at col. 16, line 4 – page 17, line 17, the gliding movement occurs over the no-sensor area Ans. As recited by Nakajima at col. 9, line 55: *"Between the inner periphery of the frame 6E and the effective sensor area Ls, there is an area including no sensors, that is, the non-sensor area Ans."* Gliding an object over the no-sensor area Ans ensures that the edges and corners of the effective sensor area Ls are accessible and not wasted, which is the first objective of Nakajima (Nakajima/ col. 2, lines 52 – 65; col. 16, lines 19 – 24).

The following table summarizes some of the relevant distinctions.

TABLE I: Partial list of distinctions between frame-guided movements of Nakajima and touch-and-glide movements of the claimed invention	
Frame-guided movement of Nakamura	Touch-and-glide movement of the claimed invention
Glide is over non-touch sensitive portion of screen	Glide is over touch-sensitive portion of screen
Glide followed by touch	Touch followed by glide
Glide is toward touch point	Glide is away from touch point
Glide is along periphery of touch-sensitive area	Glide is along interior of touch-sensitive area
Glide movement is guided by inner periphery of raised frame	Glide movement is unguided
Only the touch point is processed by the user interface	Both the touch point and the glide are processed by the user interface
Frame-guided touch has the same effect as a touch alone	Touch-and-glide has a different effect than a touch alone

In rejecting dependent claim **2**, the Examiner, citing Rogue, Figure 1.2, has indicated that Rogue teaches a function which, when activated, causes the user interface to display icons representing different services or setting for a currently active application. Applicant respectfully submits that the PalmPilot applications buttons is used to display icons representing installed programs, and does not relate to a currently active application. Moreover, the PalmPilot applications button is used to launch a not-currently active application.

In rejecting dependent claims **6** and **8**, the Examiner, citing Rogue, Sidebar 1, Categories, has indicated that Rogue teaches a function which, when activated, causes the user interface to display a list of available applications and files. Applicant respectfully submits that the PalmPilot category pages described in Rogue do not display files. They only display installed applications, as indicated by Rogue in Sidebar 1.

Moreover, Rogue does not describe changing the display from displaying only applications to displaying only files, and vice versa.

In rejecting dependent claim **9**, the Examiner, citing Rogue, Figure 1.4, has indicated that Rogue teaches a gliding input that causes a marking to move up and down a list without scrolling the list. Applicant respectfully submits that the PalmPilot menus, as described in Rogue, are navigated via tapping and not via gliding.

In rejecting dependent claims **10** and **11**, the Examiner, citing Nakajima, col. 14, lines 45 – 57, has indicated that Nakajima teaches a compound movement, used to advance an entire page of a list, by (i) gliding an object along a touch-sensitive area to the top or bottom of the touch-sensitive area, (ii) raising the object from the touch-sensitive area, (iii) replacing the object on the touch-sensitive area, and (iv) gliding the object again along the touch-sensitive area to the top of bottom of the touch-sensitive area. Applicant respectfully submits that Nakajima describes an up/down scroll function, which is not the glide-raise-replace-glide movement of the subject claimed invention. Moreover, the up/down scroll function causes a list to advance by one line, and not by an entire page. Applicant further respectfully submits that Nakajima does not describe a list navigation movement that continues when the object is (i) raised from a first position on the touch-sensitive area, and (ii) replaced at a second position of the touch-sensitive area.

In order to further clarify these distinctions, applicant has amended claim **10** to elaborately list the four stages of the compound glide-raise-replace-glide list navigation movement.

In rejecting dependent claim **12**, the Examiner, citing Nakajima, col. 14, lines 45 – 57 and O'Rourke, Figure 13, has indicated

that Nakajima and O'Rourke teach advancing an active application / function / service / setting forward and backward one step by gliding an object along a touch-sensitive area respectively from left to right and from right to left. Applicant respectfully submits that the forward and backward operations described in Nakajima and O'Rourke are performed by tapping on arrowheads, and not by gliding an object left to right, or right to left. Use of touch-based scroll bars is described in Rogue with reference to Figure 1.2: *"To scroll ... tap one of the up/down triangle buttons on the scroll bar ..."*. Moreover, the cited location of Nakajima recites *"The double-headed arrow 18a ... is a sign of an up/down scroll function ... the user can understand ... the region assigned the function ..."*; i.e., tapping on sign 18a causes a scroll up.

The rejections of the claims **1** – **18** in paragraphs 3 - 7 of the Office Action will now be dealt with specifically.

As to amended independent claim **1** for a computer readable medium, applicant respectfully submits, as indicated hereinabove, that the limitation in claim **1** of

"each function ... being activated by an object touching the corresponding location and then gliding along the touch sensitive area away from the touched location"

is neither shown nor suggested in Nakajima, Rogue or O'Rourke.

Additionally, as indicated hereinabove, the limitation in amended dependent claim **2** of

"one function ... when activated, causes the user interface to display icons representing different services or settings for a currently active application"

is neither shown nor suggested in Nakajima, Rogue or O'Rourke.

Additionally, as indicated hereinabove, the limitation in amended dependent claim **6** of

"one function ... when activated, causes the user interface to display a list with a library of available applications and files on the mobile handheld computer unit"

is neither shown nor suggested in Nakajima, Rogue or O'Rourke.

Additionally, as indicated hereinabove, the limitation in dependent claim **8** of

"said list presents only files or only applications, and that an area of said list presents a field through which said list can be changed from presenting files to presenting applications, or from presenting applications to presenting files"

is neither shown nor suggested in Nakajima, Rogue or O'Rourke.

Additionally, as indicated hereinabove, the limitation in amended dependent claim **9** of

"list navigation whereby gliding the object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list causes said marking to move in the same direction without scrolling the list"

is neither shown nor suggested in Nakajima, Rogue or O'Rourke.

Additionally, as indicated hereinabove, the limitation in amended dependent claim **10** of

"if the object is (i) glided along said touch sensitive area to the top or bottom of said touch sensitive area, then (ii) raised above said touch sensitive area, then (iii) replaced on said touch sensitive area, and then (iv) again glided along said touch sensitive area to the top or bottom of said touch sensitive area, said list navigation pages the content of said list up or down by one whole page"

is neither shown nor suggested in Nakajima, Rogue or O'Rourke.

Additionally, as indicated hereinabove, the limitation in amended dependent claim **11** of

"if the object is raised from any first position on said touch sensitive area and then replaced on any second position on said touch sensitive area, said list navigation can be continued from said second position"

is neither shown nor suggested in Nakajima, Rogue or O'Rourke.

Additionally, as indicated hereinabove, the limitation in amended dependent claim **12** of

"an active application, function, service or setting is advanced one step by gliding the object along the touch sensitive area from left to right, and that the active application, function, service or setting is closed or backed one step by gliding the object along the touch sensitive area from right to left"

is neither shown nor suggested in Nakajima, Rogue or O'Rourke.

Because claims **2 – 16** and **18** depend from claim **1** and include additional features, applicant respectfully submits that claims **2 – 16** and **18** are not anticipated or rendered obvious by Nakajima, Rogue, O'Rourke, or a combination of Nakajima, Rogue or O'Rourke.

Accordingly claims **1 – 16** and **18** are deemed to be allowable.

Support for Amended Claims in Original Specification

Dependent claim **10** has been amended to include the limitations of the object being (i) glided along the touch sensitive area to the top or bottom position of the touch sensitive area, then (ii) raised above said touch sensitive area, then (iii) replaced on said touch sensitive area, and then (iv) again glided along said touch sensitive area to the top or bottom of said touch sensitive area. These limitations are supported in the original specification at least at page 7, line 32 – page 8, line 10; and FIG. 9.

For the foregoing reasons, applicant respectfully submits that the applicable objections and rejections have been overcome and that the claims are in condition for allowance.

Respectfully submitted,

Dated: April 22, 2009

/Marc A. Berger/

Marc A. Berger
Reg. No. 44,029

P.O. Box 691
Soquel, CA 95073
(831) 426-8200

Electronic Patent Application Fee Transmittal

Application Number:	10315250			
Filing Date:	10-Dec-2002			
Title of Invention:	User interface			
First Named Inventor/Applicant Name:	Magnus Goertz			
Filer:	Marc Aron Berger			
Attorney Docket Number:	NEONODE.P004			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Petition fee- 37 CFR 1.17(h) (Group III)	1464	1	130	130
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				130

Electronic Acknowledgement Receipt

EFS ID:	5194866
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	22-APR-2009
Filing Date:	10-DEC-2002
Time Stamp:	04:29:42
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 130
RAM confirmation Number	5840
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		NEONODE_P004_Amendment _22_April_2009.pdf	93970 6e949083a93ff831ca0790fb0ce228745ce2b4e7	yes	15				
	Multipart Description/PDF files in .zip description								
	Document Description		Start	End					
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1					
	Claims		2	5					
	Applicant Arguments/Remarks Made in an Amendment		6	15					
Warnings:									
Information:									
2	Fee Worksheet (PTO-06)	fee-info.pdf	29822 9a7cb8d7b48f77e24a7dc5281634c6abc6c2ec40	no	2				
Warnings:									
Information:									
Total Files Size (in bytes):			123792						
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>									

PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/315,250		Filing Date 12/10/2002		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=		X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
			TOTAL			TOTAL				
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	04/22/2009	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 17	Minus	** 47	= 0	X \$26 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 8	= 0	X \$110 =	0	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =	OR	X \$ =		
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =	OR	X \$ =		
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE	OR	TOTAL ADD'L FEE		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/MYRTLE B. LEIGH/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226
75660	7590	12/23/2008	EXAMINER	
Soquel Group, LLC			PITARO, RYAN F	
P.O. Box 691				
Soquel, CA 95073				
			ART UNIT	PAPER NUMBER
			2174	
			MAIL DATE	DELIVERY MODE
			12/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/315,250

Applicant(s)

GOERTZ, MAGNUS

Examiner

RYAN F. PITARO

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Page 2

Response to Amendment

1. This action is in response to the amendment filed 10/15/2008. In the amendment claims 1-18 were amended. This action is non-final.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/15/2008 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Nakajima et al ("Nakajima", 6,346,935).

As per claim 1, Nakajima teaches a computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising: a touch sensitive area in which representations of a plurality of functions are displayed (Column 15 lines 1-9, *function signs*), and each function of said plurality of functions being mapped to a corresponding location in the touch sensitive area at which the representation of the function is displayed (Column 15 lines 1-9, *stops moving finger*), and being activated by an object touching the corresponding location and then gliding along the touch sensitive area away from the location (Column 15 lines 1-15, *stops moving finger then glides finger to lightly press surface*).

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-11,14-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al ("Nakajima", 6,346,935) in view of Rogue ("Rogue", Palm Pilot: The Ultimate Guide, 2nd Edition).

As per claim 2, Nakajima fails to particularly disclose a function to display a plurality of functions. However, Rogue teaches a computer readable medium of claim 1, wherein one function from the plurality of functions, when activated, causes the user interface to display icons representing different services or settings for a currently active application (Figure 1.2, *Tap the application button to display your application launching screen*). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Rogue with the medium of Nakajima. Motivation to do so would have been to provide a way to reduce screen clutter and only access the applications when needed.

As per claim 3, Nakajima-Rogue teaches a computer readable medium of claim 2, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a display icon corresponding to the preferred service or setting (Nakajima, Column 18 lines 30-40, tap).

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As per claim 4, Nakajima-Rogue teaches a computer readable medium of claim 1, wherein one function from the plurality of functions, when activated, causes the user interface to display a keyboard and a text field (Figure 2.5, power stroke up, Figure 2.6).

As per claim 5, Nakajima-Rogue teaches a wherein said text field is used for inputting and editing of text through said keyboard (Nakajima, Figure 2.6).

As per claim 6, Nakajima-Rogue teaches a computer readable medium of claim 1, wherein one function from the plurality of functions, when activated, causes the user interface to display a list with a library of available applications and files on the mobile handheld computer unit (Rogue, Sidebar 1, Categories).

As per claim 7, Nakajima-Rogue teaches a computer readable medium of claim 6, wherein the user interface is characterised in, that a selection of an application or file is done by gliding the object along said touch sensitive area so that a representation of a desired one of said application or file is highlighted, raising said object from said touch sensitive area, and then tapping on said touch sensitive area (Nakajima, Column 18 lines 40-56).

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As per claim 8, Nakajima-Rogue teaches a computer readable medium of claim 7, wherein the user interface is characterised in, that at any given time said list presents only files or only applications, and that an area of said list presents a field through which the said list can be changed from presenting files to presenting applications, or from presenting applications to presenting files (Rogue, Sidebar 1, Categories).

As per claim 9, Nakajima-Rogue teaches a computer readable medium of claim 7, wherein the user interface is characterised in, that, one item in said list is highlighted by a moveable marking, and gliding the object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list, causes said marking to move in the same direction without scrolling the list (Rogue, Figure 1.4, using the menu).

As per claim 10, Nakajima-Rogue teaches a computer readable medium of claim 9, wherein the user interface is characterised in, that, if the number of applications or files in said list exceeds the number of applications or files that can be presented on said touch sensitive area as content, and if the object is glided along said touch sensitive area to the top or bottom position of said touch sensitive area, then raised, replaced on said touch sensitive area, and again glided along said touch sensitive area to the top or bottom of said touch sensitive area, the content of said touch sensitive area will be replaced one whole page (Nakajima, Column 14 lines 45-57).

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As per claim 11, Nakajima-Rogue teaches a computer readable medium of claim 10, wherein the user interface is characterised in, that if the object is raised from any first position on said touch sensitive area and then replaced on any second position on said touch sensitive area, said navigation can be continued from said second position (Nakajima, Column 14 lines 45-57).

As per claim 14, while Nakajima-Rogue-O'Rourke fails to teach a touch sensitive area is 2-3 inches. OFFICIAL NOTICE is taken that screen sizes vary and screens with a touch sensitive area of 2-3 inches diagonally is well known in the art. Therefore it would have been obvious to an artisan at the time of the invention to combine the screen size with the medium of Nakajima-Rogue. Motivation to do so would have been to provide adequate size to operate the touch screen while keeping it small enough to fit in a pocket.

As per claim 15, Nakajima-Rogue teaches a enclosure adapted to cover the mobile handheld computer unit according to Claim 1, characterised in, that said enclosure is provided with an opening for said touch sensitive area (Rogue, Figure 1.1).

As per claim 16, Nakajima-Rogue fails to teach an enclosure is removable and exchangeable. OFFICIAL NOTICE is taken that an enclosure is removable and exchangeable is well known in the art. Therefore it would have been obvious to an

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artisan at the time of the invention to combine the exchangeable enclosure with the medium of Nakajima-Rogue. Motivation to do so would have been to provide a way to style your mobile device so that it can be personalized to a user's taste.

As per claim 17, Nakajima-Rogue teaches a a computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1 (Rogue, 1.1 Palm Pilot Basics).

As per claim 18, Nakajima-Rogue teaches a computer readable medium according to Claim 17, characterised in, that said computer program product is adapted to function as a shell upon an operations system (Rogue, 1.1 Palm Pilot Basics).

7. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al ("Nakajima", 6,346,935) in view of Rogue ("Rogue", Palm Pilot: The Ultimate Guide, 2nd Edition) in view of O'Rourke (O'Rourke, US 7,225,408).

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As per claim 12, Nakajima-Rogue teaches a computer readable medium of claim 1, wherein the user interface is characterized in, that an active application, function, service or setting is moved on one step by gliding the object along the touch sensitive area from left to right (Nakajima, Column 14 lines 45-57). However, Nakajima-Rogue fails to distinctly point out closing or backing one step. However, O'Rourke teaches that the active application, function, service or setting is closed or backed one step (Figure 13, right and left arrows). Therefore it would have been obvious to an artisan at the time of the invention to combine the glide functionality with the forward and backward functionality of O'Rourke. Motivation to do so would have been to provide an easy way to traverse the GUI.

As per claim 13, Nakajima-Rogue-O'Rourke teaches a computer readable medium of claim 1, wherein the user interface is characterised in, that said representations of said plurality of functions are located at the bottom of said touch sensitive area (O'Rourke, Figure 13, icons at bottom right) .

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Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN F. PITARO whose telephone number is (571)272-4071. The examiner can normally be reached on 9:00am - 5:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. F. P./
Examiner, Art Unit 2174

/Stephen S. Hong/
Supervisory Patent Examiner, Art
Unit 2178

Notice of References Cited	Application/Control No. 10/315,250		Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS	
	Examiner RYAN F. PITARO		Art Unit 2174	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,225,408	05-2007	O'Rourke, Kevin	715/743
*	B	US-2002/0171691	11-2002	Curran et al.	345/864
*	C	US-6,346,935	02-2002	Nakajima et al.	345/173
*	D	US-6,085,204	07-2000	Chijiwa et al.	715/246
*	E	US-5,053,758	10-1991	Cornett et al.	345/174
*	F	US-7,286,063	10-2007	Gauthey et al.	341/34
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			


FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS


*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)			
	U	Venoila et al, T-Cube: A Fast, Self Disclosing Pen-Based Alphabet, 1994, pages 265-270			
	V	Karlson et al, AppLens and LaunchTile:Two Designs for One-Handed Thumb Use on Small Devices, CHI 2005			
	W	Dulberg et al, An Imprecise Mouse Gesture for the FASt Activation of Controls, Interact 1999, pages 1-8			
	X	Rogue, Palm Pilot: The Ultimate Guide, 2nd Edition,1998, O'Reilly and Associates, Inc. pages 1-17			

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174


✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
Final	Original	11/09/2007	06/23/2008	12/21/2008					
	1	✓	✓	✓					
	2	✓	✓	✓					
	3	✓	✓	✓					
	4	✓	✓	✓					
	5	✓	✓	✓					
	6	✓	✓	✓					
	7	✓	✓	✓					
	8	✓	✓	✓					
	9	✓	✓	✓					
	10	✓	✓	✓					
	11	✓	✓	✓					
	12	✓	✓	✓					
	13	✓	✓	✓					
	14	✓	✓	✓					
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	18	✓	✓	✓					
	19		÷	N					
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	32		÷	N					
	33		÷	N					
	34		÷	N					
	35		÷	N					
	36		÷	N					

<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
Final	Original	11/09/2007	06/23/2008	12/21/2008					
	37		÷	N					
	38		÷	N					
	39		÷	N					
	40		÷	N					
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Search Notes 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

SEARCHED			
Class	Subclass	Date	Examiner
Update	Search	11/8/2007	RFP
Update	Search	6/17/2008	RFP
Update	Search	12/21/2008	RFP

SEARCH NOTES		
Search Notes	Date	Examiner
Update Search	11/8/2007	RFP
Update Search	6/17/2008	RFP
EAST	12/21/2008	RFP
Internet	12/21/2008	RFP
Safari Online Books	12/21/2008	RFP
IEEE	12/21/2008	RFP
ACM	12/21/2008	

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	2	"7441196".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2008/12/08 17:03
S2	394	swipe with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/08 17:05
S3	606	(glide swipe) with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/08 17:05
S4	2	"7286063".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/08 17:10
S5	263	("20010003845" "20010012286" "20010016947" "20010034647" "20010042002" "20010044751" "20010049824" "20010051903" "20020007309" "20020010642" "20020016750" "20020029339" "20020032782" "20020035174" "20020038256" "20020038259" "20020042914" "20020042921" "20020049631" "20020056098" "20020059590" "20020067376" "20020077177" "20020078006" "20020078453" "20020098834" "20020116292" "20020116320" "20020166122" "20030046182" "20030074661" "20030095525" "20030126607" "20030140017" "20030146940" "20030149628" "20030182195" "20040003412" "20040098747" "20040103439" "20040117831" "20040128137" "20040133848" "20040148625" "20040204116"	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:12

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S6	112	touch with slide with function	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/08 17:14
S7	13	("4366475" "4686332" "4821030" "4914624" "5402151" "5563632" "5596346" "5638060" "5687331" "5736974" "5736976" "5761485" "5838973").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:18
S8	168267	object near3 type	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:21
S9	5	(file item object) near3 type with open near3 respective	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:21
S10	905	open\$3 with different with program	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/08 17:23
S11	2	multiple near3 file near3 selection with open	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/08 17:29
S12	11	applying with command with (plurality multiple) with files	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/08 17:29

S13	29188	(flick stroke) with (open application command)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	OFF	2008/12/10 16:52
S14	229	(flick) with (open application command)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:54
S15	127	(flick) with (open application command) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:56
S16	5	(flick) with (open application command) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:56
S17	39	(flick) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:57
S18	961	(flick gesture) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:58
S19	2324	(flick gesture slide) and @ay<="2002" and "715"/\$. ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:58
S20	77	(flick gesture slide) and @ay<="2002" and "715"/702,864.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 16:59

S21	6585	finger near3 (flick gesture slide) and @ay<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 17:07
S22	86	finger near3 (flick gesture slide) and @ay<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 17:07
S23	0	"5543591,5943052,5907327,4686332".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 17:14
S24	8	("5543591" "5943052" "5907327" "4686332").pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/10 17:15
S25	93647	(glide flick touch swipe) with screen	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:18
S26	13098	(glide flick touch swipe) with screen with (applications functions)	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:20
S27	88	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:20
S28	430	(glide flick touch swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:20

S29	0	(glide flick swipe) with screen with (applications functions) and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:21
S30	11	(glide flick swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:21
S31	219	(glide flick gesture swipe) with screen and "715"/\$.ccls. and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:22
S32	299	(glide flick swipe) with screen and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:25
S33	8	(glide flick swipe) with screen with icon and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:26
S34	16	("20010011308" | "20030142138" | "20040034801" | "20050253817" | "20050253817" | "20050264833" | "5821933" | "5907327" | "6633310").PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:30
S35	451	(glide flick swipe) with finger and @AY<="2002"	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:32
S36	3	(glide flick swipe) with finger and @AY<="2002" and "715"/\$.ccls.	US-PGPUB; USPAT; EPO; JPO; DERWENT	OR	ON	2008/12/17 13:32

S37	13	("5250929" | "5568604" | "5579036" | "5612719" | "5661476" | "5748185" | "5767457" | "5883617" | "5928304" | "5943043" | "5943044" | "5995083" | "6049328").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/17 14:01
S38	918	715/716.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/17 15:38
S39	7	715/716.ccls. and dvd near menu	US-PGPUB; USPAT; USOCR	OR	OFF	2008/12/17 15:38
S40	9	715/716.ccls. and dvd near menu	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:38
S41	334	715/716.ccls. and dvd	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:47
S42	461	715/716.ccls. and menu	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:47
S43	39	715/716.ccls. and menu and theme	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:48
S44	243	715/716.ccls. and menu and effects	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:52
S45	4	715/716.ccls. and menu with theme	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:53
S46	1	"7200836".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:56
S47	1	"20080120546".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/17 15:57
S48	433	715/864.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/21 23:26
S49	60	715/864.ccls. and keyboard and back and icons and files	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/21 23:27
S50	25	715/864.ccls. and keyboard and back and icons and files and removable	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/21 23:27
S51	42	715/864.ccls. and keyboard and icons and files and @ay<="2002"	US-PGPUB; USPAT; USOCR	OR	ON	2008/12/21 23:28

12/22/08 10:38:01 AM

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 Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	NEONODE.P004	1226
75660	7590	10/15/2008	EXAMINER	
Soquel Group, LLC			PITARO, RYAN F	
P.O. Box 691			ART UNIT	
Soquel, CA 95073			PAPER NUMBER	
			2174	
			MAIL DATE	
			DELIVERY MODE	
			10/15/2008	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/315,250

Applicant(s)

GOERTZ, MAGNUS

Examiner

RYAN F. PITARO

Art Unit

2174

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: *The newly added claim amendments would require further search and consideration as discussed in an interview.*
 (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Stephen S. Hong/
 Supervisory Patent Examiner, Art Unit 2178

Attorney's Docket No.: NEONODE.P004 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:)	
	)	Examiner: Ryan F. Pitaro
Magnus Goertz)	
	)	Art Unit: 2174
Application No: 10/315,250)	
)	
Filed: December 10, 2002)	
)	
For: USER INTERFACE FOR)	
MOBILE HANDHELD)	
COMPUTER UNIT)	
_____)	

Mail Stop AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION
UNDER 37 C.F.R. §1.116

Sir:

In response to the Office Action dated July 11, 2008,
applicant respectfully requests that the above-identified application be
amended as follows:

DO NOT ENTER: /R.P./

10/06/2008

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)**

Application Number	10/315,250	Filing Date	2002-12-10	Docket Number (if applicable)	NEONODE.P004	Art Unit	2174
First Named Inventor	Magnus Goertz			Examiner Name	Ryan F. Pitaro		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☐ Enclosed

☐ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☐ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	/Marc A. Berger/	Date (YYYY-MM-DD)	2008-10-15
Name	Marc A. Berger	Registration Number	44029

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	10315250			
Filing Date:	10-Dec-2002			
Title of Invention:	User interface			
First Named Inventor/Applicant Name:	Magnus Goertz			
Filer:	Marc Aron Berger			
Attorney Docket Number:	NEONODE.P004			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	1801	1	810	810
Total in USD (\$)				810

Electronic Acknowledgement Receipt

EFS ID:	4121130
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	75660
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	NEONODE.P004
Receipt Date:	15-OCT-2008
Filing Date:	10-DEC-2002
Time Stamp:	17:33:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$810
RAM confirmation Number	2961
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Request for Continued Examination (RCE)	NeonodeP004RCE.pdf	697150 ca2986bf4145018741de9c2f319d642ff82a057d	no	3
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	29864 65d0586c07529883cd3a52375b89fd6bba39fc41	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			727014		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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 P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/315,250	12/10/2002	Magnus Goertz	NEONODE. P004

75660
 Soquel Group, LLC
 P.O. Box 691
 Soquel, CA 95073

CONFIRMATION NO. 1226
POA ACCEPTANCE LETTER



Date Mailed: 09/11/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/03/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/sleutchit/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/315,250	12/10/2002	Magnus Goertz	3682-32

CONFIRMATION NO. 1226

POWER OF ATTORNEY NOTICE



OC000000032006022

60956
 Professional Patent Solutions
 P.O. BOX 654
 HERZELIYA PITUACH, 46105
 ISRAEL

Date Mailed: 09/11/2008

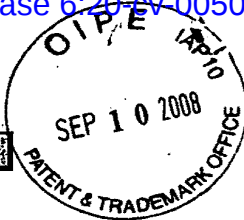
NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/03/2008.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/sleutchit/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



AF/FFW

PTO/SB/81 (07-08)

Approved for use through 12/31/2008. OMB 0851-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**POWER OF ATTORNEY
OR
REVOCATION OF POWER OF ATTORNEY
WITH A NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/315,250
Filing Date	December 10, 2002
First Named Inventor	Magnus Gornitz
Title	USER INTERFACE
Art Unit	2174
Examiner Name	Pizaro, Ryan F.
Attorney Docket Number	NEONODE.P004

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

75660

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☐ Applicant/Inventor:

OR

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) (Form PTO/SB/98) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature

Date

28 August 2008

Name

Per Bystech

Telephone

+46 8 678 1850

Title and Company

CEO, Neocode

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/95 (08-08)

Approved for use through 08/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Neonode ABApplication No./Patent No.: 10/315,250 Filed/Issue Date: December 10, 2002Entitled: USER INTERFACENeonode AB, a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Magnus Goertz To: Neonode Sweden AB
The document was recorded in the United States Patent and Trademark Office at
Reel 018163, Frame 0611, or for which a copy thereof is attached.
2. From: Neonode Sweden AB To: Neonode AB
The document was recorded in the United States Patent and Trademark Office at
Reel 018137, Frame 0448, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature28 August 2008

Date_____
Per Bystedt+46 8 678 1850

Telephone Number_____
Printed or Typed Name_____
CEO, Neonode
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE DESCRIPTION:

Please amend the specification as follows.

Page 1, ninth full paragraph:

Since the users have gotten used to small handheld units, it is hard to move towards larger units. This has led to foldable keyboards, different kinds ~~[[if]]~~ of joy sticks and different kinds of touch sensitive displays and pads intended to help in providing a user interface that is suitable for small handheld ~~compute~~ computer units.

Page 2, first full paragraph:

It is a problem to provide a user-friendly interface that is adapted to handle a large amount of information and different kinds of traditional computer-related applications on a small handheld computer unit.

Page 3, sixth full paragraph:

In order to provide a task and file management in a user interface for a handheld mobile computer, the present invention teaches that, if the third function is activated, the display area is adapted to display a list with a library of available applications and files on the computer ~~[[unit]]~~ unit. A selection of an application will start the application, and a selection of a file will open the file in an application intended for the file.

Page 7, fifth full paragraph:

It should ~~[[b]]~~ be understood that all lists in the computer unit, such as a list of contact information in an address book, a

list of e-mail messages in a mailbox, or a telephone log, can be managed in the above described manner.

Page 7, sixth full paragraph:

The list 231 can be adapted to present only files or only applications. In this case, the top area of the list 231 can present a field 233 through which the content ~~[[if]]~~ of the list 231 can be altered. If the list only presents files, then the field 233 can display a representation of a task manager and a selection of the field 233 will cause the list 231 to alter to present only applications, and if the list 231 only presents applications, then the field 233 displays a representation of a file manager and a selection of the field 233 will cause the list 231 to alter and present only files.

Page 7, eighth full paragraph:

Figure 9 shows that if the number of applications and/or files in the list 231 exceeds the number of applications and/or files that can be presented on the display area 3, and if the object 4 is moved to the top or bottom position of the display area, then lifted, replaced on the display area, and then again moved to the top or bottom of the display area, then the content of the display area will be replaced one whole page, meaning that if the object 4 is positioned N at the bottom 3b of the display area 3, then lifted, replaced on the display area 3, and then again moved M to the bottom 3b of the display area 3, then the content 31 of the display area 3 will be replaced P by the following applications and/or files 32 in the list 231. In the same way, but not shown in the figure, if the object is ~~position~~ positioned at the top of the display area, then lifted, replaced on the display area 3, and then again moved to the top of the

display area, the content of the display area will be replaced by the preceding applications and/or files in the list.

Publication No. US 2004/0109013 A1, paragraph [0069]:

As shown in figure 13, the present invention relates to a user interface for a hand held mobile unit that preferably can be manageable with one hand. Hence the present invention teaches that the user interface is adapted to a touch sensitive area 1 with a size that is in the order of 2-3 inches, meaning the diagonal distance W between two corners of the touch sensitive area 1.

IN THE CLAIMS:

Please substitute the following claims for the pending claims with the same number:

1. (currently amended) A computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising:

~~a touch sensitive area that is simultaneously divided into a menu area and a display area, the mobile handheld computer unit being adapted to run several applications simultaneously, and to present an active application on top of any other application on said display area, characterised in, that:~~

~~said menu area simultaneously presents in which representations of a first function that is a general application dependent function, a second function that is a keyboard function, and a third function that is a task and file manager~~ plurality of functions are displayed, and

~~each function of said first, second, and third functions simultaneously represented in said menu area~~ plurality of functions being mapped to a corresponding location in the touch sensitive area at which the representation of the function is displayed, and being activated by the single step of a blunt an object touching the corresponding location and then gliding along the touch sensitive area away from the location moving in a direction from a starting point that is the representation of the corresponding one of said first, second, and third functions in said menu area to said display area being detected by

~~said touch sensitive area, thereby allowing low precision navigation of the user interface using the blunt object, so that the user interface can be operated by one hand, where the blunt object is a finger.~~

2. (currently amended) The computer readable medium of claim **1**, wherein one function from the plurality of functions, when ~~the mobile handheld computer unit runs an operating system, the user interface is characterised in, that, if said first function is activated, causes the user interface is adapted to display icons representing different services or settings depending on the current for a currently active application, that one of said icons always represents a "help" service, regardless of application, and that, if no application is current active on the mobile handheld computer unit, said icons are adapted to represent services or settings of the operating system of the mobile handheld computer unit.~~

3. (currently amended) The computer readable medium of claim **2**, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a ~~corresponding~~ display icon corresponding to the preferred service or setting.

4. (currently amended) The computer readable medium of claim **1**, wherein ~~the user interface is characterised in,~~

~~—that, if said second one function from the plurality of functions, when [[is]] activated, said display area is adapted causes the user interface to display a keyboard and a text field;~~

~~—that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing~~

~~through said keyboard and that said highlighted test passage is replaced by said edited text passage when said second function is deactivated, and~~
~~— that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard.~~

5. (currently amended) The computer readable medium of claim **4**, wherein ~~the user interface is characterised in, that if no text passage in said active application is highlighted,~~ said text field is used for inputting and editing of text through said keyboard, ~~then~~
~~— said first function can be activated, or~~
~~— said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function, in which said first function will present services or settings available for said inputted text.~~

6. (currently amended) The computer readable medium of claim **1**, wherein ~~the user interface is characterised in, that, if said third one function from the plurality of functions, when [[is]] activated, said display area is adapted causes the user interface to display a list with a library of available applications and files on the mobile handheld computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file.~~

7. (currently amended) The computer readable medium of claim **6**, wherein the user interface is characterised in, that a selection of an application or file is done by ~~moving~~ gliding the ~~blunt~~ object along said

touch sensitive area so that a representation of a desired one of said application or file is highlighted, ~~removing~~ raising said object from said touch sensitive area, and then tapping on said touch sensitive area, ~~and that said desired one of said application or file is highlighted by placing some kind of marking on said representation of said application or file.~~

8. (currently amended) The computer readable medium of claim **7**, wherein the user interface is characterised in, that at any given time said list ~~is adapted to present~~ presents only said files or only said applications, and that ~~a top~~ an area of said list presents a field through which the ~~content of said list can be altered~~ changed from presenting files to presenting applications, or from presenting applications to presenting files, that, ~~if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.~~

9. (currently amended) The computer readable medium of claim **7**, wherein the user interface is characterised in, that, ~~[[a]]~~ one item in said list is highlighted by a moveable marking, and ~~navigation in said list is performed by moving~~ gliding the ~~blunt~~ object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list, ~~that the movement of the blunt object will cause~~ causes said marking to move in the same direction without scrolling the list, ~~and that the speed of movement of said marking is lower than the speed of movement of the blunt object.~~

10. (currently amended) The computer readable medium of claim **9**, wherein the user interface is characterised in, that, if the number of applications ~~and/or~~ files in said list exceeds the number of ~~application~~ applications ~~[[and]]~~ or files that can be presented on said ~~display touch sensitive~~ area as content, and if the ~~blunt~~ object is ~~moved~~ glided along said touch sensitive area to the top or bottom position of said ~~display touch sensitive~~ area, then ~~lifted~~ raised, replaced on said ~~display touch sensitive~~ area, and again ~~moved~~ glided along said touch sensitive area to the top or bottom of said ~~display touch sensitive~~ area, the content of said ~~display touch sensitive~~ area will be replaced one whole page, ~~meaning that if the blunt object is positioned at the bottom of said display area, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list, and if the blunt object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in the list.~~

11. (currently amended) The computer readable medium of claim **10**, wherein the user interface is characterised in, that if the ~~blunt~~ object is ~~removed~~ raised from any first position on said ~~display touch sensitive~~ area and then replaced on any second position on said ~~display touch sensitive~~ area, said navigation can be continued from said second position.

12. (currently amended) The computer readable medium of claim **1**, wherein the user interface is characterised in, that an active application,

function, service or setting is moved on one step by ~~moving~~ gliding the ~~blunt object along the touch sensitive area~~ from the left of said display area to the right of said display area, and that the active application, function, service or setting is closed or backed one step by ~~moving~~ gliding the ~~blunt object along the touch sensitive area~~ from the right of said display area to the left of said display area.

13. (currently amended) The computer readable medium of claim **1**, wherein the user interface is characterised in, that said ~~menu area is positioned~~ representations of said plurality of functions are located at the bottom of said touch sensitive area, ~~that said representation of said first function is positioned at the left side of said menu area, that said representation of said second function is positioned at the middle of said menu area, and that said representation of said third function is positioned at the right side of said menu area.~~

14. (currently amended) The computer readable medium of claim **1**, wherein the ~~user interface is characterised in, that said user interface is adapted to a touch sensitive area with a size that is 2-3 inches in diagonal dimension, and that said user interface is adapted to be operated by one hand when the mobile handheld computer unit is held in the one hand, wherein said blunt object is a fleshy part of the thumb of the one hand.~~

15. (currently amended) An enclosure adapted to cover the mobile handheld computer unit according to Claim **1**, characterised in, that said enclosure is provided with an opening for said ~~display~~ touch sensitive area, ~~and that a representation of said menu area is printed on top of said enclosure.~~

16. (previously presented) The enclosure according to Claim **15**, characterised in, that said enclosure is removable and exchangeable.

17. (previously presented) A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim **1**.

18. (original) A computer readable medium according to Claim **17**, characterised in, that said computer program product is adapted to function as a shell upon an operations system.

19. (withdrawn) An apparatus, comprising:

a computing device configured to provide a plurality of features and/or services to a user, said computing device including a user interface that comprises:

a touchscreen for displaying to the user, individually at differing times, a plurality of display screens corresponding to said plurality of features and/or services and for allowing the user to navigate among said various differing features and/or services and among said plurality of display screens; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said plurality of features and/or services and among said plurality of display screens, said user interface software configured to:

when said touchscreen is displaying a first display screen of said plurality of display screens, cause said computing

device to display a second display screen of said plurality of display screens in response to a first sweeping movement of the object along said touchscreen in a first direction, said computing device displaying said second display screen after the object has traversed a first predetermined extent of said touchscreen along said first direction; and

when said touchscreen is displaying said second display screen, cause said computing device to display said first display screen in response to a second sweeping movement of the object along said touchscreen in a second direction opposite said first direction, said computing device displaying said first display screen only after the object has traversed a second predetermined extent of said touchscreen along said second direction.

20. (withdrawn) An apparatus according to claim **19**, wherein said touchscreen has a left edge and a right edge when said touchscreen is properly oriented for viewing by the user and said first direction proceeds from a location at or proximate said left edge toward said right edge and said second direction proceeds from a location at or proximate said right edge toward said left edge.

21. (withdrawn) An apparatus according to claim **20**, wherein said touchscreen has a width extending from said left edge to said right edge and each of said first and second extents is substantially equal to said width.

22. (withdrawn) An apparatus according to claim **21**, wherein said touchscreen has a diagonal dimension of two inches to three inches.

23. (withdrawn) An apparatus according to claim **19**, wherein said computing device is sized to be cradled in a hand of an adult human user and so that, when so cradled, all points on said touchscreen are touchable by the thumb of the adult human user, the object being the thumb of the hand.

24. (withdrawn) An apparatus according to claim **19**, wherein each of the first and second sweeping movements does not drag any graphical feature displayed on said touchscreen during that one of the first and second sweeping movements.

25. (withdrawn) An apparatus, comprising:

a computing device configured to provide first and second menu-area functions to a user, said first menu-area function having a first-function display screen and said second menu-area function having a second-function display screen differing from said first-function display screen, said computing device including a user interface that comprises:

a touchscreen simultaneously divided into a menu region and a display region, said menu region containing first and second representations corresponding respectively to said first and second menu-area functions, said display region for displaying to the user at differing times said first-function and second-function display screens; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to select at differing times each of said first and second menu-area functions, said user interface software configured to:

display said first-function display screen in response to a first sweeping movement of the object along said touchscreen, the first sweeping movement starting at said first representation in said menu region and proceeding into said display region; and

display said second-function display screen in response to a second sweeping movement of the object along said touchscreen, the second sweeping movement starting at said second representation in said menu region and proceeding into said display region.

26. (withdrawn) An apparatus according to claim **25**, wherein:

said touchscreen has a first edge and a second edge spaced from said first edge;

said first and second representations are each located proximate said first edge and spaced from one another along said first edge; and

the first and second sweeping movements each proceed in a direction toward said second edge.

27. (withdrawn) An apparatus according to claim **25**, wherein said first-function display screen contains a plurality of icons corresponding respectively to a plurality of applications, said user interface software configured to activate any one of said plurality of applications in response to the user tapping the object on said touchscreen at a corresponding one of said plurality of icons.

28. (withdrawn) An apparatus according to claim **27**, wherein said second-function display screen contains a set of application functions, said set varying as a function of which one of said plurality of applications is active when the user makes the second movement.

29. (withdrawn) An apparatus according to claim **27**, wherein a particular application of said plurality of applications has a plurality of application screen displays, said user interface software configured so that when said particular application is active, the user forwardly steps through said plurality of application screen displays by sweeping the object across said touchscreen in a first direction and reversely steps through said plurality of application screen displays by sweeping the object across said touchscreen in a second direction opposite said first direction.

30. (withdrawn) An apparatus according to claim **25**, wherein said first display screen contains a soft-interface telephony keypad.

31. (withdrawn) An apparatus, comprising:

a computing device configured to run a software application configured to display a plurality of predetermined display screens, said computing device including a user interface that comprises:

a touchscreen for displaying to the user, individually at differing times, said plurality of predetermined display screens and for allowing the user to navigate among said plurality of predetermined display screens; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to

navigate among said plurality of predetermined display screens, said user interface software configured to:

activate said software application in response to a particular interaction of the object with said touchscreen;

forwardly step in series through ones of said plurality of predetermined display screens in response to corresponding respective individual instances of a first sweeping movement of the object along said touchscreen in a first direction; and

reversely step in series through ones of said plurality of predetermined display screens in response to corresponding respective individual instances of a second sweeping movement of the object along said touchscreen in a second direction different from said first direction.

32. (withdrawn) An apparatus according to claim **31**, wherein said particular interaction of the object with said touchscreen to activate said software application is a third sweeping movement of the object along said touchscreen in a third direction different from each of said first and second directions.

33. (withdrawn) An apparatus according to claim **32**, wherein said first and second directions are opposite one another and said third direction is perpendicular to each of said first and second directions.

34. (withdrawn) An apparatus, comprising:

a computing device configured to run software for providing to a user a plurality of services and/or functions, said computing device including:

a touchscreen for display to the user a graphical user interface and for allowing the user to navigate among said plurality of services and/or functions; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said plurality of services and/or functions, said user interface software configured to:

present, in response to a sweeping movement of the object across said touchscreen, a display screen containing a plurality of display icons corresponding respectively to ones of said plurality of services and/or functions, the sweeping movement being spatially uncorrelated with information displayed on said touchscreen; and

when said touchscreen is displaying said plurality of display icons, launch one of said plurality of services and/or functions in response to the user tapping the object on said touchscreen at a location where said touchscreen displays the corresponding one of said plurality of display icons.

35. (withdrawn) An apparatus according to claim **34**, wherein said computing device contains a software application and said user interface is configured to present said plurality of display icons only if said software application is active during the sweeping movement of the object.

36. (withdrawn) An apparatus according to claim **35**, wherein when said software application is active during the sweeping of the object, said display icons correspond to services and/or functions specific to said software application.

37. (withdrawn) An apparatus, comprising:

a computing device containing software for providing to a user a plurality of services and/or functions, said computing device including:

a touchscreen for displaying to the user, individually at differing times, ones of various display screens associated with said plurality of services and/or functions and for allowing the user to navigate among said plurality of display screens so as to provide the user with access to said plurality of services and/or functions and for allowing the user to control functioning of ones of said plurality of services and/or functions; and

user interface software responsive to a set of movements of an object with respect to said touchscreen so as to allow the user to navigate among said plurality of display screens and to control functioning of ones of said plurality of services and/or functions, said set of movements including a plurality of sweeping movements having differing directionalities along said touchscreen, wherein said plurality of sweeping movements being spatially uncorrelated with information displayed on said touchscreen, said user interface software being configured to distinguish the plurality of sweeping movements from one another as a function of the differing directionalities so as to provide differing responses as a function of said differing directionalities.

38. (withdrawn) An apparatus according to claim **37**, wherein two sweeping movements of the plurality of sweeping movements have opposing directionality and said user interface software is configured to provide two opposing responses corresponding respectively to said two sweeping movements.

39. (withdrawn) An apparatus according to claim **38**, wherein one of the two opposing responses is moving forward in a series of display screens and the other of the two opposing responses is moving backward in the series of display screens.

40. (withdrawn) An apparatus according to claim **37**, wherein each of the plurality of sweeping movements does not drag any graphical feature displayed on said touchscreen during that one of the plurality of sweeping movements.

41. (withdrawn) An apparatus, comprising:

a computing device configured to provide a plurality of features, settings, applications and/or services to a user, said computing device including a user interface that comprises:

a touchscreen for displaying to the user a list of items corresponding to at least one of a plurality of features, settings, applications and/or services and for allowing the user to select any one of said items using said list; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said list and to select any one of said items, said user interface software configured to move a highlight marking, having a

displayed location on said touchscreen, in a desired direction within said list in response to the user:

(a) contacting said touchscreen with the object at a first location that is a function of the desired direction, not said displayed location of said highlight marking;

(b) while keeping the object in contact with said touchscreen, moving the object along said touchscreen in the desired direction to a second location; and

(c) immediately following said moving of the object along said touchscreen to said second location, lifting the object from said touchscreen so as to establish a new location of said highlight marking.

42. (withdrawn) An apparatus according to claim **41**, wherein said user interface software is configured to, after the user has marked a desired one of said items by performing steps (a) through (c) so as to highlight said desired one with the highlight marking, select said desired one in response to the user tapping the object on said touchscreen without regard to said display location of the highlight marking.

43. (withdrawn) An apparatus, comprising:

a computing device configured to provide a plurality of features, settings, applications and/or services to a user, said computing device including a user interface that comprises:

a touchscreen for displaying to the user a list of items corresponding to at least one of said plurality of features, settings, applications and/or services and for allowing the user to select any one of said items using said list; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to scroll said list and to select any one of said plurality items, said user interface software configured to scroll said list in a desired direction in response to the user:

(a) contacting said touchscreen with the object at a first location that is a function of the desired direction of said scroll and that is not based on any soft scroll control displayed on said touchscreen; and

(b) while keeping the object in contact with said touchscreen, moving the object along said touchscreen in the desired direction to a second location, wherein said moving of the object causes said list to scroll in the desired direction.

44. (withdrawn) An apparatus according to claim **43**, wherein said user interface software is configured to activate a selected one of said items in response to a user tapping the object on said touchscreen following the user lifting the object from the touchscreen after the user performs step (b).

45. (withdrawn) An apparatus according to claim **43**, wherein said items are files.

46. (withdrawn) An apparatus according to claim **43**, wherein said items are email messages.

47. (withdrawn) An apparatus according to claim **43**, wherein each item is contact information for a corresponding contact.

REMARKS

Applicant expresses appreciation to the Examiner for the courtesy of an interview granted to applicant's representative Marc A. Berger (Reg. No. 44,029). The interview was held by telephone on Thursday, September 4, 2008. The substance of the interview is contained in the Interview Summary, Form PTOL-413, prepared and entered by the Examiner. Claims **1 - 15** have been amended in accordance with the conclusions of the interview.

Applicant has carefully studied the outstanding Office Action. The present amendment is intended to place the application in condition for allowance and is believed to overcome all of the objections and rejections made by the Examiner. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant has withdrawn claims **19 - 47**, and amended claims **1 - 15** to properly claim the present invention. No new matter has been added. Claims **1 - 18** are presented for examination.

In paragraphs 1 - 8 of the Office Action, the Examiner has rejected claims **1, 4 - 7, 12, 15** and **17** under 35 U.S.C. §103(a) as being unpatentable over Carlson, F., Visual Quickstart Guide: Palm Organizers ("Carlson") in view of Milic-Frayling et al., US Publication No. 2004/0100510 ("Milic-Frayling"), and further in view of Conrad et al., US Patent No. 5,956,030 ("Conrad").

In paragraph 9 of the Office Action, the Examiner has rejected claims **2** and **3** under 35 U.S.C. §103(a) as being unpatentable over Carlson in view of Milic-Frayling, in view of Conrad, and further in view of Kopitzke et al., US Patent No. 6,988,246 ("Kopitzke").

In paragraph 10 – 13 of the Office Action, the Examiner has rejected claims **8 – 11** under 35 U.S.C. §103(a) as being unpatentable over Carlson in view of Milic-Frayling, in view of Conrad, and further in view of Wynn et al., US Patent No. 6,734,883 (“Wynn”).

In paragraph 14 of the Office Action, the Examiner has rejected claim **13** under 35 U.S.C. §103(a) as being unpatentable over Carlson, in view of Milic-Frayling, and further in view of Conrad.

In paragraphs 15 and 16 of the Office Action, the Examiner has rejected claims **14** and **16** under 35 U.S.C. §103(a) as being unpatentable over Carlson, in view of Milic-Frayling, in view of Conrad, and further in view of Strietelmeier, Palm m100, The Gadgeteer (“Strietelmeier”).

In paragraphs 17 and 18 of the Office Action, the Examiner has rejected claim **18** under 35 U.S.C. §103(a) as being unpatentable over Carlson, in view of Milic-Frayling, in view of Conrad, and further in view of Chew et al., US Patent No. 6,727,917 (“Chew”).

Distinctions between Claimed Invention and Carlson, F., Visual Quickstart Guide: Palm Organizers, US Publication No. 2004/0100510 of Milic-Frayling et al., US Patent No. 5,956,030 to Conrad et al., US Patent No. 6,988,246 to Kopitzke et al., US Patent No. 6,734,883 to Wynn et al., Strietelmeier, Palm m100, The Gadgeteer, and US Patent No. 6,727,917 to Chew et al.

Aspects of the subject invention concern a touch-based user interface with functionalities for running interactive applications using touch-based icons, for inputting text using a touch-based keypad, and for managing files using a touch-based file listing. User inputs include finger taps and thumb movements. One such movement is a

thumb touch-and-glide, where the thumb touches a touch screen at a location where an icon for a function is displayed, and glides along the touch screen away from the location, as illustrated in FIG. 2 of the subject application.

Carlson describes how to use the Palm Organizer touch-based user interface. Through a series of pictures, Carlson shows how to run applications, view documents, access menus, and use an onscreen keyboard.

Milic-Frayling describes an interactive user interface for presenting search results on small display screens of handheld devices. Search results are annotated to highlight search hits, and text is wrapped so as to avoid the need for horizontal scrolling.

Conrad describes a window management system for keeping open windows offscreen in a drawer area (Conrad/ elements D1 – D4 of FIG. 1), and available for popping them back onscreen by clicking on a title bar or drawer handle of the offscreen window (Conrad/ FIGS. 2 – 4). Conrad also describes “spring loaded” enclosures for opening temporary windows for enclosure identifiers, during a drag operation (Conrad/ FIGS. 8A – 8D and 9A – 9E).

Kopitzke describes a touch-sensitive user interface for use in an aircraft with multiple cabin systems. A main menu (Kopitzke/ FIG. 4) provides an overview of cabin status, and information and data regarding the cabin systems. The main menu includes touch input keys for bringing up menus for each of the individual aircraft cabin systems, for monitoring and controlling their operation. Cabin systems include inter alia an audio system (Kopitzke/ FIG. 5), a video system, a lighting system (Kopitzke/ FIG. 6), a climate control system, a doors & hatches

system (Kopitzke/ FIG. 7), a water supply system (Kopitzke/ FIG. 8), an electric power supply system, and a data communication system.

Wynn describes a user interface for spinning through a list of items. The user interface displays a preview list of items and a postview list of items on opposite sides of a currently selected item in the list (Wynn/ FIG. 7).

Strietelmeier describes the mechanical casing, hardware components and software applications of the Palm m100 Organizer, in comparison with the Palm IIIc, the Palm V and the Handspring Visor.

Chew describes a user interface for running and interacting with multiple applications on small handheld device display screens. Chen describes a user interface display having a top portion with a navigation bar (Chew/ element 302 of FIG. 3) for navigating between different applications, a middle portion for graphically displaying outputs of a currently active application, and a bottom portion with an application menu bar (Chew/ element 304 of FIG. 3) for entering inputs to the currently active application.

The touch-based user interface of the subject claimed invention is generally operated by the thumb. The touch-based user interface of Carlson is generally operated by a stylus. Although, the user interface of Carlson may also be operated by the thumb, the natures of the two user interfaces are distinct. The subject claimed invention teaches "rubbing", "touch-and-glide" movements to operate a user interface, whereby the thumb touches a touch-sensitive screen and rubs, or glides, along the screen without lifting the thumb. In distinction, tap movements and one-stroke pen drags are used to operate the touch-based user interface of Carlson. In terms of motor skill, the touch-and-glide movements of the subject claimed invention are akin to pressing

with the thumb on a mechanical slider button, such as the slider button with HI/LO/OFF settings on a hair-dryer handle, and sliding the button up or down while it is pressed.

The touch-and-glide movements of the subject claimed invention are illustrated in FIGS. 2, 7 and 10 by a left-arrow and a thumb touching a touch-sensitive screen.

The touch-and-glide movements of the subject claimed invention are used to activate functions (original specification/ Abstract; page 2, lines 25 – 28; page 5, lines 24 – 27; FIG. 2; original claim **1**), and to scroll a selector forward and backward within a list to select a desired item in the list, and to page up and page down within a list (original specification/ page 3, lines 28 – page 4, line 2; page 7, lines 7 – 10; page 7, line 27 – page 9, line 14; FIGS. 7 and 10; original claims **7, 9** and **10**).

The touch-and-glide movements of the subject claimed invention activate a function located at the touch point. The one-stroke pen drag movement of Carlson activates a pre-designated program, irrespective of where the pen drag begins; namely, the onscreen keyboard or a custom pre-designated program that may be substituted therefor.

Other conventional finger-based touch screens, such as the large touch screens used for self-serve check-in at airport terminals, use touch-sensitive input keys. In distinction, the touch-and-glide inputs of the subject claimed invention are of particular advantage for small handheld devices, where screen space is minimal.

Response to Examiner's Arguments

In rejecting independent claim **1**, the Examiner has cited the "one-stroke pen drag" (Carlson/ page 30; FIG. 2.22) as teaching that *"any one of said three functions can be activated when said touch sensitive area detects a movement of an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area"*. In rejecting dependent claim **9**, the Examiner has cited dragging a vertical scroll bar (Carlson/ page 27). In rejecting dependent claim **12**, the Examiner has cited dragging a horizontal scroll bar (Carlson/ page 246; FIG. 14.2).

Applicant respectfully submits that the one-stroke drag of Carlson is very distinct from the location-based touch-and-glide movement of the subject invention (original specification/ FIG. 2). The following table summarizes some of the relevant distinctions.

TABLE I: Partial list of distinctions between one-stroke drag of Carlson and location-based touch-and-glide movement of the claimed invention	
One-stroke drag	Location-based touch-and-glide
Default function is the onscreen keyboard; may be customized to activate a different pre-designated function.	The function displayed at the touch point is activated.
At any given time, may be used for activating only one pre-designated function.	At any given time, may be used for activating whichever function is touched, from among a plurality of functions.
The starting location has no bearing on the function that is activated.	The starting location determines which of the plurality of functions is activated.
Performed by a stylus.	Performed by the thumb.
Requires the user interface to recognize a vertical drag.	Requires the user interface to recognize a glide and identify the function displayed at the starting location of the glide.
Requires one hand to hold the device and another hand to perform the stylus movement.	The same hand may be used to hold the device and perform the thumb movement.
Not used for scrolling through a list.	Used for scrolling through a list.

Applicant further respectfully submits that the scroll slider drag of Carlson is very distinct from the location-based touch-and-glide movement of the subject invention. The following table summarizes some of the relevant distinctions.

TABLE II: Partial list of distinctions between scroll slider drag of Carlson and location-based touch-and-glide movement of the claimed invention	
Scroll slider drag	Location-based touch-and-glide
Requires the user interface to recognize a horizontal drag or a vertical drag.	Requires the user interface to recognize a glide in any of a plurality of directions.
Performed by a stylus.	Performed by the thumb.
Requires one hand to hold the device and another hand to perform the stylus movement.	The same hand may be used to hold the device and perform the thumb movement.
Not used for scrolling through a list.	Used for scrolling through a list.

In order to clarify these distinctions, applicant has amended claim **1** to include the limitation of each of the plurality of functions being mapped to a corresponding location in the touch sensitive area, and being activated by an object touching the corresponding location and then gliding along the touch sensitive area away from the location.

Applicant has carefully reviewed all of the cited prior art. None of the cited prior art teaches the location-based touch-and-glide thumb movement of the subject claimed invention. Specifically, Milic-Frayling and Conrad do not use touch screens. Kopitzke uses touch input keys. Wynn mentions touch sensitive displays with stylus pens. Strietelmeier mentions writing with a stylus. Chew uses a stylus to tap on a touch screen.

The rejections of the claims **1 – 18** in paragraphs 1 - 18 of the Office Action will now be dealt with specifically.

As to amended independent claim **1** for a computer readable medium, applicant respectfully submits that the limitation in claim **1** of

"each function of said plurality of functions being mapped to a corresponding location in the touch sensitive area at which the representation of the function is displayed, and being activated by an object touching the corresponding location and then gliding along the touch sensitive area away from the location"

is neither shown nor suggested in Carlson, Milic-Frayling, Conrad, Kopitzke, Wynn, Strietelmeier or Chew.

Because claims **2 – 18** depend from claim **1** and include additional features, applicant respectfully submits that claims **2 – 18** are not anticipated or rendered obvious by Carlson, Milic-Frayling, Conrad, Kopitzke, Wynn, Strietelmeier, Chew, or a combination of Carlson, Milic-Frayling, Conrad, Kopitzke, Wynn, Strietelmeier and Chew.

Accordingly claims **1 – 18** are deemed to be allowable.

Support for Amended Claims in Original Specification

Independent claim **1** has been amended to include the limitation of each of a plurality of functions being mapped to a corresponding location in a touch sensitive area, and being activated by an object touching the corresponding location and then gliding along the touch sensitive area away from the location. This limitation is supported in the original specification at least at page 2, lines 25 – 28, at page 5, lines 19 – 27, at FIGS. 1, 2, 7 and 10, and in the Abstract.

For the foregoing reasons, applicant respectfully submits that the applicable objections and rejections have been overcome and that the claims are in condition for allowance.

Respectfully submitted,

Dated: September 8, 2008

/Marc A. Berger/

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Electronic Acknowledgement Receipt

EFS ID:	3900808
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	60956
Filer:	Marc Aron Berger
Filer Authorized By:	
Attorney Docket Number:	3682-32
Receipt Date:	08-SEP-2008
Filing Date:	10-DEC-2002
Time Stamp:	11:05:11
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment After Final	NEONODEP004AmendmentAfterFinal.pdf	141398 6268086be27b48a9dbd06ec1463153810d d11690	no	30

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If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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NO.964 P.4/39

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AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	70/515,250
Filing Date	December 10, 2002
First Named Inventor	Magnus Goetz
Title	USER INTERFACE
Art Unit	2174
Examiner Name	Pirani, Ryan A.
Attorney Docket Number	NEON000LP004

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

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I am the:

☐ Applicant/Inventor.

OR

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) (Form PTO/SB/86) submitted herewith or filed on _____.

SIGNATURE of Applicant or Assignee of Record

Signature

Date

28 August 2008

Name

Per Bystrack

Telephone

+46 8 678 1850

Title and Company

CEO, Neonode

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.51, 1.52 and 1.59. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Neonode ABApplication No./Patent No.: 10/919,250Filed/Issue Date: December 10, 2002Entitled: USER INTERFACENeonode AB
(Name of Assignee)

a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

In the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

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B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:


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The document was recorded in the United States Patent and Trademark Office at
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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

Per/By/Title

Printed or Typed Name

CEO, Neonode
Title

28 August 2008
Date

+46 8 678 1850
Telephone Number

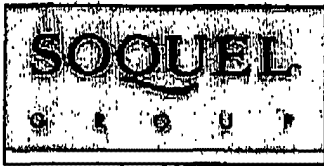
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Soquel Group LLC
29 Aharoni Street, Suite #13
Rehovot 76282
ISRAEL

TRANSMISSION DATE: September 3, 2008

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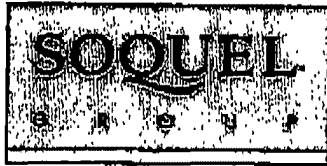
Interview agenda for US Serial No. 10/315,250

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September 3, 2008

BY FACSIMILE

Examiner Ryan F. Pitaro
United States Patent & Trademark Office
Alexandria, VA
USA

Dear Examiner Pitaro,

RE: Interview agenda for US Serial No. 10/315,250
USER INTERFACE FOR MOBILE HANDHELD COMPUTER UNIT
Filed on December 10, 2002
In the name of Neonode AB

This letter regards the agenda for our telephone interview, which is scheduled for Thursday, September 4, 2008 at 10:30 AM.

The above referenced application was recently transferred to me, and I am attaching the Power of Attorney I received and mailed to the USPTO.

For the interview, I would like to discuss the attached draft proposed amendment. Specifically, I would like to discuss the touch-and-glide thumb movement, variously referred to as "swiping", "rubbing", "gliding" and "sliding". This movement is described in claim 1 as "an object touching a location in the touch sensitive area at which the representation of the function is displayed and then gliding along the touch sensitive area away from the location."

I understand that you have seen a demonstration of Neonode's touch-sensitive user interface. I believe that the touch-and-glide movement of the claimed invention is different than the input movements disclosed in the cited prior art of Carlson, Milic-Frayling, Conrad, Kopitzke, Wynn, Strietelmeier and Chew.

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Interview Agenda for US Serial No. 10/315,250

September 3, 2008

The tables provided in the draft response summarize some of the distinguishing features of the touch-and-glide movement. In this regard, I would like to point out the following distinctions.

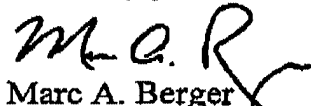
- a. The touch-and-glide movement activates the function displayed at the touch point.
- b. At any given time, the touch-and-glide movement may be used for activating any one of a plurality of different functions.
- c. The touch-and-glide movement may also be used for scrolling up or down through a list.
- d. Processing the touch-and-glide movement requires that the user interface recognize a glide and identify the function displayed at the starting location of the glide.
- e. Processing the touch-and-glide movement requires that the user interface recognize a glide in any of a plurality of directions.
- f. The same hand may be used to hold the device and perform the touch-and-glide thumb movement.

This is what I would like to discuss during our telephone interview.

I am also attaching a clean version of the proposed amended claims, without markings, for ease of reference.

I appreciate your courtesy of granting the interview, and I look forward to speaking with you.

Sincerely yours,


Marc A. Berger
U.S. Reg. No. 44,029

Encl. Power of Attorney (2 pages)

Draft proposed amendment – not to be entered (29 pages)

Clean version of amended claims without markings (5 pages)

SEP 03 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:)	
	)	Examiner: Ryan F. Pitaro
Magnus Goertz)	
	)	Art Unit: 2174
Application No: 10/315,250)	
)	
Filed: December 10, 2002)	
)	
For: USER INTERFACE FOR)	
MOBILE HANDHELD)	
COMPUTER UNIT)	

Mail Stop AMENDMENT
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P. O. Box 1450
Alexandria, VA 22313-1450

DRAFT PROPOSED AMENDMENT --
NOT TO BE ENTERED

Sir:

In response to the Office Action dated July 11, 2008, applicant respectfully requests that the above-identified application be amended as follows:

IN THE DESCRIPTION:

Please amend the specification as follows.

Page 1, ninth full paragraph:

Since the users have gotten used to small handheld units, it is hard to move towards larger units. This has led to foldable keyboards, different kinds ~~[[if]]~~ of joy sticks and different kinds of touch sensitive displays and pads intended to help in providing a user interface that is suitable for small handheld ~~compute~~ computer units.

Page 2, first full paragraph:

It is a problem to provide a user-friendly interface that is adapted to handle a large amount of information and different kinds of traditional computer-related applications on a small handheld computer unit.

Page 3, sixth full paragraph:

In order to provide a task and file management in a user interface for a handheld mobile computer, the present invention teaches that, if the third function is activated, the display area is adapted to display a list with a library of available applications and files on the computer ~~[[unit]]~~ unit. A selection of an application will start the application, and a selection of a file will open the file in an application intended for the file.

Page 7, fifth full paragraph:

It should ~~[[b]]~~ be understood that all lists in the computer unit, such as a list of contact information in an address book, a

list of e-mail messages in a mailbox, or a telephone log, can be managed in the above described manner.

Page 7, sixth full paragraph:

The list 231 can be adapted to present only files or only applications. In this case, the top area of the list 231 can present a field 233 through which the content ~~[[if]]~~ of the list 231 can be altered. If the list only presents files, then the field 233 can display a representation of a task manager and a selection of the field 233 will cause the list 231 to alter to present only applications, and if the list 231 only presents applications, then the field 233 displays a representation of a file manager and a selection of the field 233 will cause the list 231 to alter and present only files.

Page 7, eighth full paragraph:

Figure 9 shows that if the number of applications and/or files in the list 231 exceeds the number of applications and/or files that can be presented on the display area 3, and if the object 4 is moved to the top or bottom position of the display area, then lifted, replaced on the display area, and then again moved to the top or bottom of the display area, then the content of the display area will be replaced one whole page, meaning that if the object 4 is positioned N at the bottom 3b of the display area 3, then lifted, replaced on the display area 3, and then again moved M to the bottom 3b of the display area 3, then the content 31 of the display area 3 will be replaced P by the following applications and/or files 32 in the list 231. In the same way, but not shown in the figure, if the object is ~~position~~ positioned at the top of the display area, then lifted, replaced on the display area 3, and then again moved to the top of the

display area, the content of the display area will be replaced by the preceding applications and/or files in the list.

Publication No. US 2004/0109013 A1, paragraph [0069]:

As shown in figure 13, the present invention relates to a user interface for a hand held mobile unit that preferably can be manageable with one hand. Hence the present invention teaches that the user interface is adapted to a touch sensitive area 1 with a size that is in the order of 2-3 inches, meaning the diagonal distance W between two corners of the touch sensitive area 1.

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IN THE CLAIMS:

Please substitute the following claims for the pending claims with the same number:

1. (currently amended) A computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising:

~~a touch sensitive area that is simultaneously divided into a menu area and a display area, the mobile handheld computer unit being adapted to run several applications simultaneously, and to present an active application on top of any other application on said display area, characterised in, that:~~

~~said menu area simultaneously presents~~
in which representations of a ~~first function that is a general application dependent function, a second function that is a keyboard function, and a third function that is a task and file manager~~ plurality of functions are displayed, and

~~each function of said first, second, and third functions simultaneously represented in said menu area~~ plurality of functions being activated by ~~the single step of a blunt~~ an object touching a location in the touch sensitive area at which the representation of the function is displayed and then gliding along the touch sensitive area away from the location moving in a direction from a starting point that is the representation of the corresponding one of said first, second, and third functions in said menu area to said display area being detected by said touch sensitive area, thereby allowing low precision navigation of the user

~~interface using the blunt object, so that the user interface can be operated by one hand, where the blunt object is a finger.~~

2. (currently amended) The computer readable medium of claim 1, wherein one function from the plurality of functions, when the mobile handheld computer unit runs an operating system, the user interface is characterised in, that, if said first function is activated, causes the user interface is adapted to display icons representing different services or settings depending on the current for a currently active application, that one of said icons always represents a "help" service, regardless of application, and that, if no application is current active on the mobile handheld computer unit, said icons are adapted to represent services or settings of the operating system of the mobile handheld computer unit.

3. (currently amended) The computer readable medium of claim 2, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a corresponding display icon corresponding to the preferred service or setting.

4. (currently amended) The computer readable medium of claim 1, wherein ~~the user interface is characterised in,~~

~~that, if said second~~ one function from the plurality of functions, when ~~[[is]] activated, said display area is adapted~~ causes the user interface to display a keyboard and a text field,

~~that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and~~

~~that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard.~~

5. (currently amended) The computer readable medium of claim 4, wherein ~~the user interface is characterised in, that if no text passage in said active application is highlighted,~~ said text field is used for inputting and editing of text through said keyboard, then

~~said first function can be activated, or~~

~~said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function, in which said first function will present services or settings available for said inputted text.~~

6. (currently amended) The computer readable medium of claim 1, wherein ~~the user interface is characterised in, that, if said third one function from the plurality of functions, when [[is]] activated, said display area is adapted causes the user interface to display a list with a library of available applications and files on the mobile handheld computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file.~~

7. (currently amended) The computer readable medium of claim 6, wherein the user interface is characterised in, that a selection of an application or file is done by moving gliding the ~~blunt~~ object along said touch sensitive area so that a representation of a desired one of said application or file is highlighted, ~~removing~~ raising said object from said

touch sensitive area, and then tapping on said touch sensitive area, ~~and that said desired one of said application or file is highlighted by placing some kind of marking on said representation of said application or file.~~

8. (currently amended) The computer readable medium of claim 7, wherein the user interface is characterised in, that at any given time said list ~~is adapted to present~~ presents only said files or only ~~said~~ applications, and that ~~a top~~ an area of said list presents a field through which the content of said list can be ~~altered~~ changed from presenting files to presenting applications, or from presenting applications to presenting files, that, if said list only presents files, ~~said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.~~

9. (currently amended) The computer readable medium of claim 7, wherein the user interface is characterised in, that, [[a]] navigation in said list is performed by moving gliding the blunt object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list, ~~that the movement of the blunt object will cause said marking to move in the same direction, and that the speed of movement of said marking is lower than the speed of movement of the blunt object.~~

10. (currently amended) The computer readable medium of claim 9, wherein the user interface is characterised in, that, if the number of applications ~~and/or~~ files in said list exceeds the number of application

applications ~~[[and]]~~ or files that can be presented on said display touch sensitive area as content, and if the ~~blunt~~ object is ~~moved~~ glided along said touch sensitive area to the top or bottom position of said display touch sensitive area, then ~~lifted~~ raised, replaced on said display touch sensitive area, and again ~~moved~~ glided along said touch sensitive area to the top or bottom of said display touch sensitive area, the content of said display touch sensitive area will be replaced one whole page, ~~meaning that if the blunt object is positioned at the bottom of said display area, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list, and if the blunt object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in the list.~~

11. (currently amended) The computer readable medium of claim **10**, wherein the user interface is characterised in, that if the ~~blunt~~ object is ~~removed~~ raised from any first position on said display touch sensitive area and then replaced on any second position on said display touch sensitive area, said navigation can be continued from said second position.

12. (currently amended) The computer readable medium of claim **1**, wherein the user interface is characterised in, that an active application, function, service or setting is moved on one step by ~~moving~~ gliding the ~~blunt~~ object along the touch sensitive area from the left of said display area to the right of said display area, and that the active application,

function, service or setting is closed or backed one step by ~~moving~~ gliding the blunt object along the touch sensitive area from the right of said display area to the left of said display area,

13. (currently amended) The computer readable medium of claim 1, wherein the user interface is characterised in, that said ~~menu area is positioned~~ representations of said plurality of functions are located at the bottom of said touch sensitive area, ~~that said representation of said first function is positioned at the left side of said menu area, that said representation of said second function is positioned at the middle of said menu area, and that said representation of said third function is positioned at the right side of said menu area.~~

14. (currently amended) The computer readable medium of claim 1, wherein the ~~user interface is characterised in, that said user interface is adapted to a touch sensitive area with a size that is 2-3 inches in diagonal dimension, and that said user interface is adapted to be operated by one hand when the mobile handheld computer unit is held in the one hand, wherein said blunt object is a fleshy part of the thumb of the one hand.~~

15. (currently amended) An enclosure adapted to cover the mobile handheld computer unit according to Claim 1, characterised in, that said enclosure is provided with an opening for said display touch sensitive area, ~~and that a representation of said menu area is printed on top of said enclosure.~~

16. (previously presented) The enclosure according to Claim 15, characterised in, that said enclosure is removable and exchangeable.

17. (previously presented) A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1.

18. (original) A computer readable medium according to Claim 17, characterised in, that said computer program product is adapted to function as a shell upon an operations system.

19. (withdrawn) An apparatus, comprising:

a computing device configured to provide a plurality of features and/or services to a user, said computing device including a user interface that comprises:

a touchscreen for displaying to the user, individually at differing times, a plurality of display screens corresponding to said plurality of features and/or services and for allowing the user to navigate among said various differing features and/or services and among said plurality of display screens; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said plurality of features and/or services and among said plurality of display screens, said user interface software configured to:

when said touchscreen is displaying a first display screen of said plurality of display screens, cause said computing device to display a second display screen of said plurality of display screens in response to a first sweeping movement of the object along said touchscreen in a first direction, said computing device displaying said

second display screen after the object has traversed a first predetermined extent of said touchscreen along said first direction; and

when said touchscreen is displaying said second display screen, cause said computing device to display said first display screen in response to a second sweeping movement of the object along said touchscreen in a second direction opposite said first direction, said computing device displaying said first display screen only after the object has traversed a second predetermined extent of said touchscreen along said second direction.

20. (withdrawn) An apparatus according to claim **19**, wherein said touchscreen has a left edge and a right edge when said touchscreen is properly oriented for viewing by the user and said first direction proceeds from a location at or proximate said left edge toward said right edge and said second direction proceeds from a location at or proximate said right edge toward said left edge.

21. (withdrawn) An apparatus according to claim **20**, wherein said touchscreen has a width extending from said left edge to said right edge and each of said first and second extents is substantially equal to said width.

22. (withdrawn) An apparatus according to claim **21**, wherein said touchscreen has a diagonal dimension of two inches to three inches.

23. (withdrawn) An apparatus according to claim **19**, wherein said computing device is sized to be cradled in a hand of an adult human user and so that, when so cradled, all points on said touchscreen are touchable

by the thumb of the adult human user, the object being the thumb of the hand.

24. (withdrawn) An apparatus according to claim **19**, wherein each of the first and second sweeping movements does not drag any graphical feature displayed on said touchscreen during that one of the first and second sweeping movements.

25. (withdrawn) An apparatus, comprising:

a computing device configured to provide first and second menu-area functions to a user, said first menu-area function having a first-function display screen and said second menu-area function having a second-function display screen differing from said first-function display screen, said computing device including a user interface that comprises:

a touchscreen simultaneously divided into a menu region and a display region, said menu region containing first and second representations corresponding respectively to said first and second menu-area functions, said display region for displaying to the user at differing times said first-function and second-function display screens; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to select at differing times each of said first and second menu-area functions, said user interface software configured to:

display said first-function display screen in response to a first sweeping movement of the object along said touchscreen, the first sweeping movement starting at said first

representation in said menu region and proceeding into said display region; and

display said second-function display screen in response to a second sweeping movement of the object along said touchscreen, the second sweeping movement starting at said second representation in said menu region and proceeding into said display region.

26. (withdrawn) An apparatus according to claim **25**, wherein:

said touchscreen has a first edge and a second edge spaced from said first edge;

said first and second representations are each located proximate said first edge and spaced from one another along said first edge; and

the first and second sweeping movements each proceed in a direction toward said second edge.

27. (withdrawn) An apparatus according to claim **25**, wherein said first-function display screen contains a plurality of icons corresponding respectively to a plurality of applications, said user interface software configured to activate any one of said plurality of applications in response to the user tapping the object on said touchscreen at a corresponding one of said plurality of icons.

28. (withdrawn) An apparatus according to claim **27**, wherein said second-function display screen contains a set of application functions, said set varying as a function of which one of said plurality of applications is active when the user makes the second movement.

29. (withdrawn) An apparatus according to claim **27**, wherein a particular application of said plurality of applications has a plurality of application screen displays, said user interface software configured so that when said particular application is active, the user forwardly steps through said plurality of application screen displays by sweeping the object across said touchscreen in a first direction and reversely steps through said plurality of application screen displays by sweeping the object across said touchscreen in a second direction opposite said first direction.

30. (withdrawn) An apparatus according to claim **25**, wherein said first display screen contains a soft-interface telephony keypad.

31. (withdrawn) An apparatus, comprising:

a computing device configured to run a software application configured to display a plurality of predetermined display screens, said computing device including a user interface that comprises:

a touchscreen for displaying to the user, individually at differing times, said plurality of predetermined display screens and for allowing the user to navigate among said plurality of predetermined display screens; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said plurality of predetermined display screens, said user interface software configured to:

activate said software application in response to a particular interaction of the object with said touchscreen;

forwardly step in series through ones of said plurality of predetermined display screens in response to corresponding respective individual instances of a first sweeping movement of the object along said touchscreen in a first direction; and

reversely step in series through ones of said plurality of predetermined display screens in response to corresponding respective individual instances of a second sweeping movement of the object along said touchscreen in a second direction different from said first direction.

32. (withdrawn) An apparatus according to claim **31**, wherein said particular interaction of the object with said touchscreen to activate said software application is a third sweeping movement of the object along said touchscreen in a third direction different from each of said first and second directions.

33. (withdrawn) An apparatus according to claim **32**, wherein said first and second directions are opposite one another and said third direction is perpendicular to each of said first and second directions.

34. (withdrawn) An apparatus, comprising:

a computing device configured to run software for providing to a user a plurality of services and/or functions, said computing device including:

a touchscreen for display to the user a graphical user interface and for allowing the user to navigate among said plurality of services and/or functions; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said plurality of services and/or functions, said user interface software configured to:

present, in response to a sweeping movement of the object across said touchscreen, a display screen containing a plurality of display icons corresponding respectively to ones of said plurality of services and/or functions, the sweeping movement being spatially uncorrelated with information displayed on said touchscreen; and

when said touchscreen is displaying said plurality of display icons, launch one of said plurality of services and/or functions in response to the user tapping the object on said touchscreen at a location where said touchscreen displays the corresponding one of said plurality of display icons.

35. (withdrawn) An apparatus according to claim **34**, wherein said computing device contains a software application and said user interface is configured to present said plurality of display icons only if said software application is active during the sweeping movement of the object.

36. (withdrawn) An apparatus according to claim **35**, wherein when said software application is active during the sweeping of the object, said display icons correspond to services and/or functions specific to said software application.

37. (withdrawn) An apparatus, comprising:

a computing device containing software for providing to a user a plurality of services and/or functions, said computing device including:

a touchscreen for displaying to the user, individually at differing times, ones of various display screens associated with said plurality of services and/or functions and for allowing the user to navigate among said plurality of display screens so as to provide the user with access to said plurality of services and/or functions and for allowing the user to control functioning of ones of said plurality of services and/or functions; and

user interface software responsive to a set of movements of an object with respect to said touchscreen so as to allow the user to navigate among said plurality of display screens and to control functioning of ones of said plurality of services and/or functions, said set of movements including a plurality of sweeping movements having differing directionalities along said touchscreen, wherein said plurality of sweeping movements being spatially uncorrelated with information displayed on said touchscreen, said user interface software being configured to distinguish the plurality of sweeping movements from one another as a function of the differing directionalities so as to provide differing responses as a function of said differing directionalities.

38. (withdrawn) An apparatus according to claim **37**, wherein two sweeping movements of the plurality of sweeping movements have opposing directionality and said user interface software is configured to provide two opposing responses corresponding respectively to said two sweeping movements.

39. (withdrawn) An apparatus according to claim **38**, wherein one of the two opposing responses is moving forward in a series of display screens and the other of the two opposing responses is moving backward in the series of display screens.

40. (withdrawn) An apparatus according to claim **37**, wherein each of the plurality of sweeping movements does not drag any graphical feature displayed on said touchscreen during that one of the plurality of sweeping movements.

41. (withdrawn) An apparatus, comprising:

a computing device configured to provide a plurality of features, settings, applications and/or services to a user, said computing device including a user interface that comprises:

a touchscreen for displaying to the user a list of items corresponding to at least one of a plurality of features, settings, applications and/or services and for allowing the user to select any one of said items using said list; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said list and to select any one of said items, said user interface software configured to move a highlight marking, having a displayed location on said touchscreen, in a desired direction within said list in response to the user:

(a) contacting said touchscreen with the object at a first location that is a function of the desired direction, not said displayed location of said highlight marking;

(b) while keeping the object in contact with said touchscreen, moving the object along said touchscreen in the desired direction to a second location; and

(c) Immediately following said moving of the object along said touchscreen to said second location, lifting the object from said touchscreen so as to establish a new location of said highlight marking.

42. (withdrawn) An apparatus according to claim **41**, wherein said user interface software is configured to, after the user has marked a desired one of said items by performing steps (a) through (c) so as to highlight said desired one with the highlight marking, select said desired one in response to the user tapping the object on said touchscreen without regard to said display location of the highlight marking.

43. (withdrawn) An apparatus, comprising:

a computing device configured to provide a plurality of features, settings, applications and/or services to a user, said computing device including a user interface that comprises:

a touchscreen for displaying to the user a list of items corresponding to at least one of said plurality of features, settings, applications and/or services and for allowing the user to select any one of said items using said list; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to scroll said list and to select any one of said plurality items, said user interface software configured to scroll said list in a desired direction in response to the user:

(a) contacting said touchscreen with the object at a first location that is a function of the desired direction of said scroll and that is not based on any soft scroll control displayed on said touchscreen; and

(b) while keeping the object in contact with said touchscreen, moving the object along said touchscreen in the desired direction to a second location, wherein said moving of the object causes said list to scroll in the desired direction.

44. (withdrawn) An apparatus according to claim **43**, wherein said user interface software is configured to activate a selected one of said items in response to a user tapping the object on said touchscreen following the user lifting the object from the touchscreen after the user performs step (b).

45. (withdrawn) An apparatus according to claim **43**, wherein said items are files.

46. (withdrawn) An apparatus according to claim **43**, wherein said items are email messages.

47. (withdrawn) An apparatus according to claim **43**, wherein each item is contact information for a corresponding contact.

REMARKS

Applicant has carefully studied the outstanding Office Action. The present amendment is intended to place the application in condition for allowance and is believed to overcome all of the objections and rejections made by the Examiner. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant has withdrawn claims **19 – 47**, and amended claims **1 – 15** to properly claim the present invention. No new matter has been added. Claims **1 – 18** are presented for examination.

In paragraphs 1 - 8 of the Office Action, the Examiner has rejected claims **1, 4 – 7, 12, 15** and **17** under 35 U.S.C. §103(a) as being unpatentable over Carlson, F., Visual Quickstart Guide: Palm Organizers ("Carlson") in view of Millic-Frayling et al., US Publication No. 2004/0100510 ("Millic-Frayling"), and further in view of Conrad et al., US Patent No. 5,956,030 ("Conrad").

In paragraph 9 of the Office Action, the Examiner has rejected claims **2** and **3** under 35 U.S.C. §103(a) as being unpatentable over Carlson in view of Millic-Frayling, in view of Conrad, and further in view of Kopitzke et al., US Patent No. 6,988,246 ("Kopitzke").

In paragraph 10 – 13 of the Office Action, the Examiner has rejected claims **8 – 11** under 35 U.S.C. §103(a) as being unpatentable over Carlson in view of Millic-Frayling, in view of Conrad, and further in view of Wynn et al., US Patent No. 6,734,883 ("Wynn").

In paragraph 14 of the Office Action, the Examiner has rejected claim **13** under 35 U.S.C. §103(a) as being unpatentable over Carlson, in view of Millic-Frayling, and further in view of Conrad.

In paragraphs 15 and 16 of the Office Action, the Examiner has rejected claims **14** and **16** under 35 U.S.C. §103(a) as being unpatentable over Carlson, in view of Milic-Frayling, in view of Conrad, and further in view of Strietelmeier, Palm m100, The Gadgeteer ("Strietelmeier").

In paragraphs 17 and 18 of the Office Action, the Examiner has rejected claim **18** under 35 U.S.C. §103(a) as being unpatentable over Carlson, in view of Milic-Frayling, in view of Conrad, and further in view of Chew et al., US Patent No. 6,727,917 ("Chew").

Distinctions between Claimed Invention and Carlson, F., Visual Quickstart Guide: Palm Organizers, US Publication No. 2004/0100510 of Milic-Frayling et al., US Patent No. 5,956,030 to Conrad et al., US Patent No. 6,988,246 to Kopitzke et al., US Patent No. 6,734,883 to Wynn et al., Strietelmeier, Palm m100, The Gadgeteer, and US Patent No. 6,727,917 to Chew et al.

Aspects of the subject invention concern a touch-based user interface with functionalities for running interactive applications using touch-based icons, for inputting text using a touch-based keypad, and for managing files using a touch-based file listing. User inputs include finger taps and thumb movements. One such movement is a thumb touch-and-glide, where the thumb touches a touch screen at a location where an icon for a function is displayed, and glides along the touch screen away from the location, as illustrated in FIG. 2 of the subject application.

Carlson describes how to use the Palm Organizer touch-based user interface. Through a series of pictures, Carlson shows how to

run applications, view documents, access menus, and use an onscreen keyboard.

Milic-Frayling describes an interactive user interface for presenting search results on small display screens of handheld devices. Search results are annotated to highlight search hits, and text is wrapped so as to avoid the need for horizontal scrolling.

Conrad describes a window management system for keeping open windows offscreen in a drawer area (Conrad/ elements D1 - D4 of FIG. 1), and available for popping them back onscreen by clicking on a title bar or drawer handle of the offscreen window (Conrad/ FIGS. 2 - 4). Conrad also describes "spring loaded" enclosures for opening temporary windows for enclosure identifiers, during a drag operation (Conrad/ FIGS. 8A - 8D and 9A - 9E).

Kopitzke describes a touch-sensitive user interface for use in an aircraft with multiple cabin systems. A main menu (Kopitzke/ FIG. 4) provides an overview of cabin status, and information and data regarding the cabin systems. The main menu includes touch input keys for bringing up menus for each of the individual aircraft cabin systems, for monitoring and controlling their operation. Cabin systems include inter alia an audio system (Kopitzke/ FIG. 5), a video system, a lighting system (Kopitzke/ FIG. 6), a climate control system, a doors & hatches system (Kopitzke/ FIG. 7), a water supply system (Kopitzke/ FIG. 8), an electric power supply system, and a data communication system.

Wynn describes a user interface for spinning through a list of items. The user interface displays a preview list of items and a postview list of items on opposite sides of a currently selected item in the list (Wynn/ FIG. 7).

Strietelmeier describes the mechanical casing, hardware components and software applications of the Palm m100 Organizer, in comparison with the Palm IIIC, the Palm V and the Handspring Visor.

Chew describes a user interface for running and interacting with multiple applications on small handheld device display screens. Chen describes a user interface display having a top portion with a navigation bar (Chew/ element 302 of FIG. 3) for navigating between different applications, a middle portion for graphically displaying outputs of a currently active application, and a bottom portion with an application menu bar (Chew/ element 304 of FIG. 3) for entering inputs to the currently active application.

The touch-based user interface of the subject claimed invention is generally operated by the thumb. The touch-based user interface of Carlson is generally operated by a stylus. Although, the user interface of Carlson may also be operated by the thumb, the natures of the two user interfaces are distinct. The subject claimed invention teaches "rubbing", "touch-and-glide" movements to operate a user interface, whereby the thumb touches a touch-sensitive screen and rubs, or glides, along the screen without lifting the thumb. In distinction, tap movements and one-stroke pen drags are used to operate the touch-based user interface of Carlson. In terms of motor skill, the touch-and-glide movements of the subject claimed invention are akin to pressing with the thumb on a mechanical slider button, such as the slider button with HI/LO/OFF settings on a hair-dryer handle, and sliding the button up or down while it is pressed.

The touch-and-glide movements of the subject claimed invention are illustrated in FIGS. 2, 7 and 10 by a left-arrow and a thumb touching a touch-sensitive screen.

The touch-and-glide movements of the subject claimed invention are used to activate functions (original specification/ Abstract; page 2, lines 25 – 28; page 5, lines 24 – 27; FIG. 2; original claim 1), and to scroll a selector forward and backward within a list to select a desired item in the list, and to page up and page down within a list (original specification/ page 3, lines 28 – page 4, line 2; page 7, lines 7 – 10; page 7, line 27 – page 9, line 14; FIGS. 7 and 10; original claims 7, 9 and 10).

The touch-and-glide movements of the subject claimed invention activate a function located at the touch point. The one-stroke pen drag movement of Carlson activates a pre-designated program, irrespective of where the pen drag begins; namely, the onscreen keyboard or a custom pre-designated program that may be substituted therefor.

Other conventional finger-based touch screens, such as the large touch screens used for self-serve check-in at airport terminals, use touch-sensitive input keys. In distinction, the touch-and-glide inputs of the subject claimed invention are of particular advantage for small handheld devices, where screen space is minimal.

Response to Examiner's Arguments

In rejecting independent claim 1, the Examiner has cited the "one-stroke pen drag" (Carlson/ page 30; FIG. 2.22) as teaching that *"any one of said three functions can be activated when said touch sensitive area detects a movement of an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area"*. In rejecting dependent claim 9, the Examiner has cited dragging a vertical scroll bar

(Carlson/ page 27). In rejecting dependent claim **12**, the Examiner has cited dragging a horizontal scroll bar (Carlson/ page 246; FIG. 14.2).

Applicant respectfully submits that the one-stroke drag of Carlson is very distinct from the location-based touch-and-glide movement of the subject invention (original specification/ FIG. 2). The following table summarizes some of the relevant distinctions.

TABLE I: Partial list of distinctions between one-stroke drag of Carlson and location-based touch-and-glide movement of the claimed invention	
One-stroke drag	Location-based touch-and-glide
Default function is the onscreen keyboard; may be customized to activate a different pre-designated function.	The function displayed at the touch point is activated.
At any given time, may be used for activating only one pre-designated function.	At any given time, may be used for activating whichever function is touched, from among a plurality of functions.
The starting location has no bearing on the function that is activated.	The starting location determines which of the plurality of functions is activated.
Performed by a stylus.	Performed by the thumb.
Requires the user interface to recognize a vertical drag.	Requires the user interface to recognize a glide and identify the function displayed at the starting location of the glide.
Requires one hand to hold the device and another hand to perform the stylus movement.	The same hand may be used to hold the device and perform the thumb movement.
Not used for scrolling through a list.	Used for scrolling through a list.

Applicant further respectfully submits that the scroll slider drag of Carlson is very distinct from the location-based touch-and-glide movement of the subject invention. The following table summarizes some of the relevant distinctions.

TABLE II: Partial list of distinctions between scroll slider drag of Carlson and location-based touch-and-glide movement of the claimed invention	
Scroll slider drag	Location-based touch-and-glide
Requires the user interface to recognize a horizontal drag or a vertical drag.	Requires the user interface to recognize a glide in any of a plurality of directions.
Performed by a stylus.	Performed by the thumb.
Requires one hand to hold the device and another hand to perform the stylus movement.	The same hand may be used to hold the device and perform the thumb movement.
Not used for scrolling through a list.	Used for scrolling through a list.

In order to clarify these distinctions, applicant has amended claim **1** to include the limitation of each function of said plurality of functions being activated by an object touching a location in the touch sensitive area at which the representation of the function is displayed and then gliding the object along the touch sensitive area away from the location.

Applicant has carefully reviewed all of the cited prior art. None of the cited prior art teaches the location-based touch-and-glide thumb movement of the subject claimed invention. Specifically, Milic-Frayling and Conrad do not use touch screens. Kopitzke uses touch input keys. Wynn mentions touch sensitive displays with stylus pens. Strietelmeier mentions writing with a stylus. Chew uses a stylus to tap on a touch screen.

The rejections of the claims **1 – 18** in paragraphs 1 - 18 of the Office Action will now be dealt with specifically.

As to amended independent claim **1** for a computer readable medium, applicant respectfully submits that the limitation in claim **1** of

"each function of said plurality of functions being activated by an object touching a location in the touch sensitive area at

which the representation of the function is displayed and gliding along the touch sensitive area away from the location"

is neither shown nor suggested in Carlson, Milic-Frayling, Conrad, Kopitzke, Wynn, Strietelmeier or Chew.

Because claims **2 – 18** depend from claim **1** and include additional features, applicant respectfully submits that claims **2 – 18** are not anticipated or rendered obvious by Carlson, Milic-Frayling, Conrad, Kopitzke, Wynn, Strietelmeier, Chew, or a combination of Carlson, Milic-Frayling, Conrad, Kopitzke, Wynn, Strietelmeier and Chew.

Accordingly claims **1 – 18** are deemed to be allowable.

Support for Amended Claims in Original Specification

Independent claim **1** has been amended to include the limitation of an object touching a location in the touch sensitive area at which the representation of the function is displayed and gliding along the touch sensitive area away from the location. This limitation is supported in the original specification at least at FIGS. 2, 7 and 10.

For the foregoing reasons, applicant respectfully submits that the applicable objections and rejections have been overcome and that the claims are in condition for allowance.

Respectfully submitted,

Dated: _____, 2008

Marc A. Berger
Reg. No. 44,029

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(831) 426-8200

CLEAN VERSION OF PROPOSED AMENDED CLAIMS
WITHOUT MARKINGS – NOT TO BE ENTERED

1. A computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising a touch sensitive area in which representations of a plurality of functions are displayed, and each function of said plurality of functions being activated by an object touching a location in the touch sensitive area at which the representation of the function is displayed and then gliding along the touch sensitive area away from the location.

2. The computer readable medium of claim **1**, wherein one function from the plurality of functions, when activated, causes the user interface to display icons representing different services or settings for a currently active application.

3. The computer readable medium of claim **2**, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a display icon corresponding to the preferred service or setting.

4. The computer readable medium of claim **1**, wherein one function from the plurality of functions, when activated, causes the user interface to display a keyboard and a text field.

5. The computer readable medium of claim **4**, wherein said text field is used for inputting and editing of text through said keyboard.

6. The computer readable medium of claim **1**, wherein one function from the plurality of functions, when activated, causes the user interface to display a list with a library of available applications and files on the mobile handheld computer unit.

7. The computer readable medium of claim **6**, wherein the user interface is characterised in, that a selection of an application or file is done by gliding the object along said touch sensitive area so that a representation of a desired one of said application or file is highlighted, raising said object from said touch sensitive area, and then tapping on said touch sensitive area.

8. The computer readable medium of claim **7**, wherein the user interface is characterised in, that at any given time said list presents only files or only applications, and that a—an area of said list presents a field through which said list can be changed from presenting files to presenting applications, or from presenting applications to presenting files.

9. The computer readable medium of claim **7**, wherein the user interface is characterised in, that, navigation in said list is performed by gliding the object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list.

10. The computer readable medium of claim **9**, wherein the user interface is characterised in, that, if the number of applications or files in said list exceeds the number of applications or files that can be presented on said touch sensitive area as content, and if the object is glided along said touch sensitive area to the top or bottom position of said touch sensitive area, then raised, replaced on said touch sensitive area, and again glided along said touch sensitive area to the top or bottom of said touch sensitive area, the content of said touch sensitive area will be replaced one whole page.

11. The computer readable medium of claim **10**, wherein the user interface is characterised in, that if the object is raised from any first position on said touch sensitive area and then replaced on any second position on said touch sensitive area, said navigation can be continued from said second position.

12. The computer readable medium of claim **1**, wherein the user interface is characterised in, that an active application, function, service or setting is moved on one step by gliding the object along the touch sensitive area from left to right, and that the active application, function, service or setting is closed or backed one step by gliding the object along the touch sensitive area from right to left.

13. The computer readable medium of claim **1**, wherein the user interface is characterised in, that said representations of said plurality of functions are located at the bottom of said touch sensitive area.

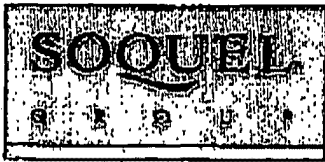
14. The computer readable medium of claim **1**, wherein the touch sensitive area is 2-3 inches in diagonal dimension.

15. An enclosure adapted to cover the mobile handheld computer unit according to Claim **1**, characterised in, that said enclosure is provided with an opening for said touch sensitive area.

16. The enclosure according to Claim **15**, characterised in, that said enclosure is removable and exchangeable.

17. A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim **1**.

18. A computer readable medium according to Claim **17**, characterised in, that said computer program product is adapted to function as a shell upon an operations system.



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Application Number 70315250
Filing Date December 10, 2003
First Named Inventor Abhinav Gupta
Title USER INTERFACE
Art Unit 2174
Examiner Name P. Rocco, Ryan F.
Attorney Docket Number NEONODE.P004

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OR

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) (Form PTO/SB/98) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature

Date

28 August 2008

Name

Per bymach

Telephone

+46 8 678 1850

Title and Company

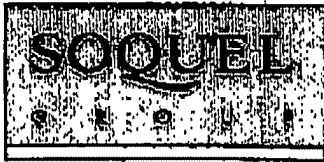
CEO, Neonode

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Application Number	* 0315250
Filing Date	December 10, 2002
First Named Inventor	Alfred G. Gault
Title	USER INTERFACE
Art Unit	2174
Examiner Name	P. G. R. R.
Attorney Docket Number	NEONODE.P001

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OR
☒ Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) (Form PTO/3B/90) submitted herewith or filed on

SIGNATURE of Applicant or Assignee of Record

Signature		Date	28 August 2008
Name	Per Byratch	Telephone	+46 8 678 1850
Title and Company	CEO, Neocode		

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/315,250	12/10/2002	Magnus Goertz	3682-32

23117
 NIXON & VANDERHYE, PC
 901 NORTH GLEBE ROAD, 11TH FLOOR
 ARLINGTON, VA 22203

CONFIRMATION NO. 1226
POWER OF ATTORNEY NOTICE



Date Mailed: 08/06/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/24/2008.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/nhtang/

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/315,250	12/10/2002	Magnus Goertz	3682-32

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CONFIRMATION NO. 1226
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Date Mailed: 08/06/2008

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POWER OF ATTORNEY NOTICE



Date Mailed: 08/05/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/13/2008.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/jelliott/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	10/315,250
	Filing Date	12-10-2002
	First Named Inventor	Magnus Goetz
	Art Unit	2174
	Examiner Name	DTARO, Ryan F
	Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

60956

☒ Please change the correspondence address for the above-identified application to:☒ The address associated with
Customer Number:

60956

OR

☐ Firm or
Individual Name

Address

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I am the:

☐ Applicant/inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature

Name

MIKHAEL HAGMAN

Date

13 MAY 2008

Telephone

146 8 586 22 810

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.56. The information is required to obtain or retain a benefit by the public which is to be used by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.31 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Curtiz, MagnusApplication No./Patent No.: 11/315,250 Filed/Issue Date: 12-10-2007Entitled: User Interface(Name of Assignee) NECRODE AB (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.) CORPORATION

stating that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____ Frame _____ or for which a copy thereof is attached.

OR

B ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Curtiz, Magnus To: NECRODE SINGA AB
The document was recorded in the United States Patent and Trademark Office at Reel 018163 Frame 0611 or for which a copy thereof is attached.
2. From: NECRODE SINGA AB To: NECRODE AB
The document was recorded in the United States Patent and Trademark Office at Reel 018137 Frame 0448 or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____ Frame _____ or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08)

The undersigned (whose name is indicated below) is authorized to act on behalf of the assignee.

Signature

MIKAEL HAGMAN

Printed or Typed Name

CEO

13 MAY 2008

Date

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Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to assist) an application. Confidentiality is governed by 38 U.S.C. 182 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the burden of this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1489, Alexandria, VA 22303-1489. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1489, Alexandria, VA 22303-1489.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	3682-32	1226

23117	7590	07/11/2008
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EXAMINER	
PITARO, RYAN F	

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
07/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/315,250

Applicant(s)

GOERTZ, MAGNUS

Examiner

RYAN F. PITARO

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/14/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 19-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

This communication is responsive to the Amendment filed 3/14/2008.

Claims 1-18 are pending in this application. Claims 1, 15 and 17 are independent claims.

Election/Restrictions

Newly submitted claims 19-47 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 19-47 are directed to distinct individual instances of sweeping motions of a particular kind in order to navigate among said predetermined display screens whereas the claimed invention is more directed to a simplified touch interface.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19-47 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, 12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.) in view of Milic-Frayling et al ("Milic-Frayling", US 2004/0100510) in view of Conrad et al ("Conrad", US 5,956,030).

1. As per claim 1, Carlson teaches a computer readable medium storing a computer program with computer program code, which code, when read by a mobile computer unit allows the computer to present a user interface for a mobile **handheld** computer unit (Introduction, page xiii), where said computer unit comprises a touch sensitive area (page 26, *the screen is touch sensitive*), that is simultaneously divided into a menu area (page 12, fig. 1.10 *silk screen graffiti area*) and a display area, the computer unit is being adapted to run several applications simultaneously (page 47, *all of the applications are running concurrently*), and to present an active application on top of any other application on said display area, characterised in, that said menu area is adapted to present a representation of a first, a second and a third predefined function, that said first function is a general application dependent function (page 28, *the Menu*

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icon, fig. 2.4), that said second function is a keyboard function (page 30, *either the abc or 123 dots in the lower corner of the Graffiti area*), that said third function is a task and file manager (page 47, *the Applications screen & fig. 2.35*), and that any one of said three functions can be activated when said touch sensitive area detects a movement of an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area (page 40, *bottom-to-top screen stroke shortcut fig. 2.22 & page 30, drag the stylus vertically across the screen from bottom to top*), said user interface allowing low precision navigation using a blunt object, whereby said user interface can be operated by one hand (page 12, “*The stylus is the main method of interacting with the PalmPilot*” and it inherently involves one hand to use the stylus. Also, if a finger was used, that would also be considered using one hand), where said blunt object is a finger (page 12, “*The stylus is the main method of interacting*” **though** anything including fingers **can** work). Carlson fails to distinctly point out simultaneously displaying a first, second, and third function. Milic-Frayling teaches the menu area being adapted to simultaneously present representations of a first function, a second function, and a third function (Figure 1 view Tools toolbar, with keyboard, file manager, etc.). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Milic-Frayling with the interface of Carlson. Motivation to do so would have been to provide away to quickly access common functions and provide a user with a large enough space. The modified Carlson still does not explicitly point out activation by a single step of an object moving in a direction on the touch sensitive area. However, Conrad teaches activating by the

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single step of an object moving in a direction from a starting point that is representation of the function in the menu area to the display area (Figure 2, Column 2 lines 15-62).

Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Venolia with the modified Carlson. Motivation to do so would have been to provide easy access to windows.

2. As per claim 4, the modified Carlson teaches the user interface according to claim 1, characterised in,

that, if said second function is activated, said display area is adapted to display a keyboard and a text field,

that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and

that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard (Carlson, page 30, fig 2.7).

3. As per claim 5, the modified Carlson teaches the user interface according to claim 4, characterized in, that if no text passage in said active application is highlighted, and said text field is used for inputting and editing of text through said keyboard (Carlson, page 30, fig 2.7), then

said first function can be activated, or

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said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function,

in which said first function will present services or settings available for said inputted text (Carlson, page 28, fig. 2.4 *Beam Memo*).

4. As per claim 6, the modified Carlson teaches the user interface according to claim 1, characterised in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file (Carlson, page 47, fig. 2.35).

5. As per claim 7, the modified Carlson teaches the user interface according to claim 6, characterised in, that a selection of an application or a file is done by moving said object so that the representation of desired application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area, and that an application or file is highlighted by placing some kind of marking on the representation of said application or file (Carlson, pages 26 & 27).

6. As per claim 12, the modified Carlson teaches the user interface according to Claim 1, characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function service or setting is closed or

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backed one step by moving said object from the right of said display area to the left of said display area (Carlson, page 246, fig. 14.2, *Drag to scroll through file*).

7. As per claim 15, the modified Carlson teaches an enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure (Carlson, page 12, *Silkscreen Graffiti area* & fig. 1.10).

8. As per claim 17, the modified Carlson teaches a computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1 (Carlson, page 25, *Palm OS*).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.), Milic-Frayling et al ("Milic-Frayling", US 2004/0100510) and Conrad et al ("Conrad", US 5,956,030) in view of Kopitzke et al. ("Kopitzke", US # 6,988,246 B2).

9. As per claim 2, the modified Carlson teaches the user interface according to claim 1, characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the

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current active application (Carlson, page 28, *the Menu icon*, fig. 2.4), and that, if no application is currently active on said computer unit, said icons are adapted to represent services or settings of the operations system of said computer unit (Carlson, page 47, fig. 2.36, *12:11 am*).

However the modified Carlson does not teach expressly the user interface according to claim 1, characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application.

Kopitzke teaches the user interface according to claim 1, characterized in, that said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application (column 4, lines 36-53 & fig. 1, *Help key or button 6*).

The modified Carlson and Kopitzke are analogous art because they are in the same field of endeavor, namely graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide the help function as taught by Kopitzke within the user interface of the modified Carlson in order to provide context sensitive information.

As per claim 3, the modified Carlson teaches the user interface according to claim 2, characterised in, that a selection of a preferred service or setting is done by

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tapping on corresponding icon (Carlson, page 26, fig. 2.1 *Tapping just about any interface element in the Palm OS evokes a response*).

Claims 8-11 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.), Milic-Frayling et al ("Milic-Frayling", US 2004/0100510) and Conrad et al ("Conrad", US 5,956,030) in view of Wynn et al. ("Wynn", US # 6,734,883 B1).

10. As per claim 8, the modified Carlson teaches the user interface according to claim 7. However the modified Carlson does not teach expressly the user interface, characterized in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

Wynn teaches a user interface control, characterized in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered (column 3, lines 4-8, *dialog box 32*), that, if said list only presents files, said field displays a representation of a task

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manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation (column 3, lines 4-8, *label 31*) of a file manager and a selection of said field will cause said list to alter and present only files (column 3, lines 15-31).

The modified Carlson and Wynn are analogous art because they are in the same field of endeavor, namely scrolling within graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the selection list format as taught by Wynn within the user interface of the modified Carlson in order to provide a conventional list format.

11. As per claim 9, the modified Carlson teaches the user interface according to claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (Carlson, page 27, *a quicker way to view the full list is to tap and hold on the dark solid portion of the scroll bar, then drag it vertically*).

However the modified Carlson does not teach expressly that the speed of the movement of said marking is lower than the speed of the movement of said object.

Wynn teaches a user interface control, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking

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to move in the same direction (column 3, lines 32-39 & figs. 5) and that the speed of the movement of said marking is lower than the speed of the movement of said object (column 4, lines 24-30).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the scrolling function as taught by Wynn within the user interface of the modified Carlson in order to provide a conventional selection list.

12. As per claim 10, the modified Carlson in view of Wynn teaches the user interface according to claim 9, characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list (Carlson, page 253, fig. 14.15 *Full Page Up*).

The modified Carlson in view of Wynn does not disclose expressly the user interface, characterised in that if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list.

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At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the *Full Page Up* function (Carlson, page 253, fig 14.15) to work as a Full Page Down function by tapping on the bottom of the display area because Applicant has not disclosed that *if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list* provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the modified Full Page Up function as taught by Carlson because it would only need to be implemented to scroll down instead of up, when the display area is tapped on the bottom, instead of the top.

13. As per claim 11, the modified Carlson in view of Wynn teaches the user interface according to claim 10, characterised in, that if said object is removed from any first position on said display area and then replaced on any second position on said display area, said navigation can be continued from said second position (Carlson, page 253, fig. 14.15).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press.

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2000. Berkeley, CA.) Milic-Frayling et al (“Milic-Frayling”, US 2004/0100510) and Conrad et al (“Conrad”, US 5,956,030).

14. As per claim 13, the modified Carlson teaches the user interface according to Claim 1, characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, and that said representation of said second function is positioned at the middle of said menu area.

The modified Carlson does not teach expressly that said representation of said third function is positioned at the right side of said menu area.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to place the third function on the right side of the display area instead of the left, because Applicant has not disclosed that *said representation of said third function is positioned at the right side of said menu area* provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore would have expected Applicant’s invention to perform equally well with the third function on the left side of the display area because the placement of the representation would not change its functionality.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson (“Carlson”, Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA: Peachpit Press, 2000), Milic-Frayling et al (“Milic-Frayling”, US

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2004/0100510) and Conrad et al (“Conrad”, US 5,956,030) in view of Strietelmeier (“Strietelmeier”, Strietelmeier, Julie. “Palm m100.” The Gadgeteer. 2000. <http://www.the-gadgeteer.com/review/palm_m100_review>).

15. As per claim 14, the modified Carlson teaches the user interface according to Claim 1, characterised in, that said user interface is adapted to a touch sensitive area and that said user interface is adapted to be operated by one hand, where said object can be a finger (page 12, *stylus...includes fingers*).

However the modified Carlson does not teach expressly a touch sensitive area with a size that is in the order of 2-3 inches.

Strietelmeier teaches a user interface, characterised in, a touch sensitive area with a size that is in the order of 2-3 inches (page 4).

The modified Carlson and Strietelmeier are analogous art because they are in the same field of endeavor, namely palm-sized computer organizers.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the dimensions of a touch sensitive area as taught by Strietelmeier within the user interface of the modified Carlson in order to provide a touch sensitive area with the manufacturer’s dimensions.

16. As per claim 16, the modified Carlson teaches the enclosure according to claim 15. However, the modified Carlson does not disclose the enclosure characterised in, that said enclosure is removable and exchangeable.

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Strietelmeier teaches an enclosure characterised in, that said enclosure is removable and exchangeable (page 3, *you can also remove the entire face plate... there will be different face plates available*).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the customizable enclosures as taught by Strietelmeier within the enclosure of the modified Carlson in order to tailor an enclosure to a user's preferences.

17. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA: Peachpit Press, 2000), Milic-Frayling et al ("Milic-Frayling", US 2004/0100510) and Conrad et al ("Conrad", US 5,956,030) in view of Chew et al. ("Chew", US # 6,727,917).

18. As per claim 18, the modified Carlson teaches a computer readable medium according to claim 17.

However the modified Carlson does not teach expressly, that said computer program product is adapted to function as a shell upon an operations system.

Chew teaches a user interface for a palm-sized computer device, characterized in, that said computer program product is adapted to function as a shell upon an operations system (column 2, lines 1-5).

The modified Carlson and Chew are analogous art because they are in the same field of endeavor, namely graphical user interfaces for hand-held personal computing devices with touch sensitive displays.

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to further modify the modified Carlson program to function as shell as taught by Chew in order to efficiently display information.

Response to Arguments

The Examiner reviewed the demonstration as encouraged by the Applicant. In light of the video demonstration, the Examiner can now see the difference between the prior art of record and the present application. With that being said the Examiner feels that the limitations, as claimed, were reasonably interpreted and the current limitations are still too broad to suggest without research what was shown in the video demonstration. For instance Conrad teaches as pointed out by applicant clicking a window in a menu title bar, dragging the cursor and placing it in the display region (page 19 of 32), which is exactly activating by a single step of an object moving in a direction from a starting point that is a representation of the function in the menu area to the display area. The function being activating or parking the window in the display area. The combination of the references is what teaches the limitations of claim 1, not Conrad or Palm OS alone.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN F. PITARO whose telephone number is (571)272-4071. The examiner can normally be reached on 9:00am - 5:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. F. P./
Primary Examiner, Art Unit 2174


/Stephen S. Hong/
Supervisory Patent Examiner, Art
Unit 2178

Search Notes 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

SEARCHED			
Class	Subclass	Date	Examiner
Update	Search	11/8/2007	RFP
Update	Search	6/17/2008	RFPP


SEARCH NOTES		
Search Notes	Date	Examiner
Update Search	11/8/2007	RFP
Update Search	6/17/2008	RFP

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
CLAIM		DATE							
Final	Original	11/09/2007	06/23/2008						
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	2	✓	✓						
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<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
CLAIM		DATE							
Final	Original	11/09/2007	06/23/2008						
	37		÷						
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REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	10/315,250
	Filing Date	12-10-2002
	First Named Inventor	Magnus Gertz
	Art Unit	2174
	Examiner Name	ATAO, Lynn F
	Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

60956

☒ Please change the correspondence address for the above-identified application to:☒ The address associated with Customer Number:

60956

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/06)

SIGNATURE of Applicant or Assignee of Record

Signature			
Name	MIKAEL HAGMAN		
Date	13 MAY 2008	Telephone	146 2586 22810

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is so file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Communications for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Curtis Magnus

Application No./Patent No.: 10/315,250 Filed/Issue Date: 12-10-2002

Entitled: User Interface

NECRODE AB (Name of Assignee) CORPORATION (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Curtis Magnus To: Neurode Sweden AB
The document was recorded in the United States Patent and Trademark Office at Reel 018163, Frame 0611, or for which a copy thereof is attached.

2. From: Neurode Sweden AB To: Neurode AB
The document was recorded in the United States Patent and Trademark Office at Reel 018137, Frame 0448, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08)

The undersigned (whose name is indicated below) is authorized to act on behalf of the assignee.

MIKAEL HAGMAN Signature Date 13 MAY 2008

Printed or Typed Name Telephone Number +46 8 586 22 811

CEO Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1400, Alexandria, VA 22313-1400. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-6120 and select option 2.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Magnus Goertz

Serial No.: 10/315,250

Filed: December 10, 2002

Title: User Interface

Attorney Docket No.: 12511-00003 (New)
(3682-32) (Previous)

Group Art Unit: 2174

Examiner: Ryan F. Pitaro

Confirmation No.: 1226

Commissioner for Patents
Alexandria, VA 22313-1450

March 14, 2008

AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION

This is in response to the Office Action (paper no. 20071109) regarding the above-identified patent application that was mailed from the U.S. Patent and Trademark Office on November 14, 2007.

A Status of the Claims starts on the following page 2.

Remarks concerning the Office Action start on the following page 15.

STATUS OF THE CLAIMS

1. **(Currently Amended)** A computer readable medium storing a computer program with computer program code, which code, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile handheld computer unit, the user interface comprising:
a touch sensitive area that is simultaneously divided into a menu area and a display area, the mobile handheld computer unit being adapted to run several applications simultaneously, and to present an active application on top of any other application on ~~the~~ said display area, characterised in, that:
~~the said~~ menu area simultaneously ~~presenting~~ presents representations of a first function that is a general application dependent function, a second function that is a keyboard function, and a third function that is a task and file manager, and
each of ~~the three said first, second, and third~~ functions simultaneously represented in the said menu area being activated by the single step of ~~an~~ a blunt object moving in a direction from a starting point that is the representation of the corresponding one of said first, second, and third functions in the said menu area to ~~the said~~ display area being detected by ~~the said~~ touch sensitive area, thereby allowing low precision navigation of the user interface using ~~a~~ the blunt object, so that the user interface can be operated by one hand, where the blunt object is a finger.
2. **(Currently Amended)** The computer readable medium of claim 1, wherein the mobile handheld computer unit runs an operating system, the user interface is ~~characterized~~ characterised in, that, if said first function is activated, ~~said display area~~ the user interface is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a “help”-service, regardless of application, and that, if no application is current active on ~~said~~ the mobile handheld computer unit, said icons are adapted to represent services or settings of the operating system of ~~said~~ the mobile handheld computer unit.

3. **(Previously Presented)** The computer readable medium of claim 2, wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a corresponding icon.
4. **(Previously Presented)** The computer readable medium of claim 1, wherein the user interface is characterised in,
 - that, if said second function is activated, said display area is adapted to display a keyboard and a text field,
 - that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted test passage is replaced by said edited text passage when said second function is deactivated, and
 - that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard.
5. **(Previously Presented)** The computer readable medium of claim 4, wherein the user interface is characterised in, that if no text passage in said active application is highlighted, said text field is used for inputting and editing of text through said keyboard, then
 - said first function can be activated, or
 - said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function,in which said first function will present services or settings available for said inputted text.
6. **(Currently Amended)** The computer readable medium of claim 1, wherein the user interface is characterised in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said the mobile handheld computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file.

7. **(Currently Amended)** The computer readable medium of claim 6, wherein the user interface is characterised in, that a selection of an application or file is done by moving said the blunt object so that ~~the~~ a representation of a desired one of said application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area, and that ~~an~~ said desired one of said application or file is highlighted by placing some kind of marking on ~~the~~ said representation of said application or file.
8. **(Currently Amended)** The computer readable medium of claim 7, wherein the user interface is characterised in, that said list is adapted to present only said files or only said applications, that ~~the~~ a top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.
9. **(Currently Amended)** The computer readable medium of claim 7, wherein the user interface is characterised in, that, a navigation in said list is performed by moving ~~said~~ the blunt object in a direction towards the top of said list or towards the bottom of said list, that the movement of ~~said~~ the blunt object will cause said marking to move in the same direction, and that the speed of movement of said marking is lower than the speed of movement of ~~said~~ the blunt object.
10. **(Currently Amended)** The computer readable medium of claim 9, wherein the user interface is characterised in, that, if the number of applications and/or files in said list exceeds the number of application and files that can be presented on said display area as content, and if ~~said~~ the blunt object is moved to the top of bottom position of said display area, then lifted, replaced on said display area, and again moved to the top of bottom of said display area, the content of said display area will be replaced one whole page, meaning that if

~~said-the blunt~~ object is positioned at the bottom of said display area, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list, and if ~~said-the blunt~~ object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in the list.

11. **(Currently Amended)** The computer readable medium of claim 10, wherein the user interface is characterised in, that if ~~said-the blunt~~ object is removed from any first position on said display area and then replaced on any second position on said display area, said navigation can be continued from said second position.

12. **(Currently Amended)** The computer readable medium of claim 1, wherein the user interface is characterised in, that an active application, function, service or setting is moved on one step by moving ~~said-the blunt~~ object from the left of said display area to the right of said display area, and that the active application, function, service or setting is closed or backed one step by moving ~~said-the blunt~~ object from the right of said display area to the left of said display area.

13. **(Previously Presented)** The computer readable medium of claim 1, wherein the user interface is characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, that said representation of said second function is positioned at the middle of said menu area, and that said representation of said third function is positioned at the right side of said menu area.

14. **(Currently Amended)** The computer readable medium of claim 1, wherein the user interface is characterised in, that said user interface is adapted to a touch sensitive area with a size that is ~~on the order of 2-3 inches~~ in diagonal dimension, and that said user interface is

adapted to be operated by one hand when the mobile handheld computer unit is held in the one hand, wherein said blunt object can be a fingerfleshy part of the thumb of the one hand.

15. **(Currently Amended)** An enclosure adapted to cover a computer unit, ~~said computer unit being adapted to read computer program code of a computer program stored on a computer readable medium, which code, when read, presents a user interface~~ the mobile handheld computer unit according to Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure.
16. **(Previously Presented)** The enclosure according to claim 15, characterised in, that said enclosure is removable and exchangeable.
17. **(Original)** A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1.
18. **(Original)** A computer readable medium according to claim 17, characterized in, that said computer program product is adapted to function as a shell upon an operating system.
19. **(New)** An apparatus, comprising:
 - a computing device configured to provide a plurality of features and/or services to a user, said computing device including a user interface that comprises:
 - a touchscreen for displaying to the user, individually at differing times, a plurality of display screens corresponding to said plurality of features and/or services and for allowing the user to navigate among said various differing features and/or services and among said plurality of display screens; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said plurality of features and/or services and among said plurality of display screens, said user interface software configured to: when said touchscreen is displaying a first display screen of said plurality of display screens, cause said computing device to display a second display screen of said plurality of display screens in response to a first sweeping movement of the object along said touchscreen in a first direction, said computing device displaying said second display screen after the object has traversed a first predetermined extent of said touchscreen along said first direction; and when said touchscreen is displaying said second display screen, cause said computing device to display said first display screen in response to a second sweeping movement of the object along said touchscreen in a second direction opposite said first direction, said computing device displaying said first display screen only after the object has traversed a second predetermined extent of said touchscreen along said second direction.

20. **(New)** An apparatus according to claim 19, wherein said touchscreen has a left edge and a right edge when said touchscreen is properly oriented for viewing by the user and said first direction proceeds from a location at or proximate said left edge toward said right edge and said second direction proceeds from a location at or proximate said right edge toward said left edge.
21. **(New)** An apparatus according to claim 20, wherein said touchscreen has a width extending from said left edge to said right edge and each of said first and second extents is substantially equal to said width.
22. **(New)** An apparatus according to claim 21, wherein said touchscreen has a diagonal dimension of two inches to three inches.

23. **(New)** An apparatus according to claim 19, wherein said computing device is sized to be cradled in a hand of an adult human user and so that, when so cradled, all points on said touchscreen are touchable by the thumb of the adult human user, the object being the thumb of the hand.
24. **(New)** An apparatus according to claim 19, wherein each of the first and second sweeping movements does not drag any graphical feature displayed on said touchscreen during that one of the first and second sweeping movements.
25. **(New)** An apparatus, comprising:
a computing device configured to provide first and second menu-area functions to a user, said first menu-area function having a first-function display screen and said second menu-area function having a second-function display screen differing from said first-function display screen, said computing device including a user interface that comprises: a touchscreen simultaneously divided into a menu region and a display region, said menu region containing first and second representations corresponding respectively to said first and second menu-area functions, said display region for displaying to the user at differing times said first-function and second-function display screens; and user interface software responsive to interaction of an object with said touchscreen so as to allow the user to select at differing times each of said first and second menu-area functions, said user interface software configured to:
display said first-function display screen in response to a first sweeping movement of the object along said touchscreen, the first sweeping movement starting at said first representation in said menu region and proceeding into said display region;
and
display said second-function display screen in response to a second sweeping movement of the object along said touchscreen, the second sweeping movement starting at said second representation in said menu region and proceeding into said display region.

26. **(New)** An apparatus according to claim 25, wherein:
said touchscreen has a first edge and a second edge spaced from said first edge;
said first and second representations are each located proximate said first edge and spaced from one another along said first edge; and
the first and second sweeping movements each proceed in a direction toward said second edge.
27. **(New)** An apparatus according to claim 25, wherein said first-function display screen contains a plurality of icons corresponding respectively to a plurality of applications, said user interface software configured to activate any one of said plurality of applications in response to the user tapping the object on said touchscreen at a corresponding one of said plurality of icons.
28. **(New)** An apparatus according to claim 27, wherein said second-function display screen contains a set of application functions, said set varying as a function of which one of said plurality of applications is active when the user makes the second movement.
29. **(New)** An apparatus according to claim 27, wherein a particular application of said plurality of applications has a plurality of application screen displays, said user interface software configured so that when said particular application is active, the user forwardly steps through said plurality of application screen displays by sweeping the object across said touchscreen in a first direction and reversely steps through said plurality of application screen displays by sweeping the object across said touchscreen in a second direction opposite said first direction.
30. **(New)** An apparatus according to claim 25, wherein said first display screen contains a soft-interface telephony keypad.

31. **(New)** An apparatus, comprising:

a computing device configured to run a software application configured to display a plurality of predetermined display screens, said computing device including a user interface that comprises:

a touchscreen for displaying to the user, individually at differing times, said plurality of predetermined display screens and for allowing the user to navigate among said plurality of predetermined display screens; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said plurality of predetermined display screens, said user interface software configured to:

activate said software application in response to a particular interaction of the object with said touchscreen;

forwardly step in series through ones of said plurality of predetermined display screens in response to corresponding respective individual instances of a first sweeping movement of the object along said touchscreen in a first direction; and

reversely step in series through ones of said plurality of predetermined display screens in response to corresponding respective individual instances of a second sweeping movement of the object along said touchscreen in a second direction different from said first direction.

32. **(New)** An apparatus according to claim 31, wherein said particular interaction of the object with said touchscreen to activate said software application is a third sweeping movement of the object along said touchscreen in a third direction different from each of said first and second directions.

33. **(New)** An apparatus according to claim 32, wherein said first and second directions are opposite one another and said third direction is perpendicular to each of said first and second directions.

34. **(New)** An apparatus, comprising:

a computing device configured to run software for providing to a user a plurality of services and/or functions, said computing device including:

a touchscreen for displaying to the user a graphical user interface and for allowing the user to navigate among said plurality of services and/or functions; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said plurality of services and/or functions, said user interface software configured to:

present, in response to a sweeping movement of the object across said touchscreen, a display screen containing a plurality of display icons corresponding respectively to ones of said plurality of services and/or functions, the sweeping movement being spatially uncorrelated with information displayed on said touchscreen; and when said touchscreen is displaying said plurality of display icons, launch one of said plurality of services and/or functions in response to the user tapping the object on said touchscreen at a location where said touchscreen displays the corresponding one of said plurality of display icons.

35. **(New)** An apparatus according to claim 34, wherein said computing device contains a software application and said user interface is configured to present said plurality of display icons only if said software application is active during the sweeping movement of the object.

36. **(New)** An apparatus according to claim 35, wherein when said software application is active during the sweeping of the object, said display icons correspond to services and/or functions specific to said software application.

37. **(New)** An apparatus, comprising:

a computing device containing software for providing to a user a plurality of services and/or functions, said computing device including:

a touchscreen for displaying to the user, individually at differing times, ones of various display screens associated with said plurality of services and/or functions and for allowing the user to navigate among said plurality of display screens so as to provide the user with access to said plurality of services and/or functions and for allowing the user to control functioning of ones of said plurality of services and/or functions; and user interface software responsive to a set of movements of an object with respect to said touchscreen so as to allow the user to navigate among said plurality of display screens and to control functioning of ones of said plurality of services and/or functions, said set of movements including a plurality of sweeping movements having differing directionalities along said touchscreen, wherein said plurality of sweeping movements being spatially uncorrelated with information displayed on said touchscreen, said user interface software being configured to distinguish the plurality of sweeping movements from one another as a function of the differing directionalities so as to provide differing responses as a function of said differing directionalities.

38. **(New)** An apparatus according to claim 37, wherein two sweeping movements of the plurality of sweeping movements have opposing directionality and said user interface software is configured to provide two opposing responses corresponding respectively to said two sweeping movements.
39. **(New)** An apparatus according to claim 38, wherein one of the two opposing responses is moving forward in a series of display screens and the other of the two opposing responses is moving backward in the series of display screens.
40. **(New)** An apparatus according to claim 37, wherein each of the plurality of sweeping movements does not drag any graphical feature displayed on said touchscreen during that one of the plurality of sweeping movements.

41. **(New)** An apparatus, comprising:

a computing device configured to provide a plurality of features, settings, applications and/or services to a user, said computing device including a user interface that comprises:

a touchscreen for displaying to the user a list of items corresponding to at least one of a plurality of features, settings, applications and/or services and for allowing the user to select any one of said items using said list; and

user interface software responsive to interaction of an object with said touchscreen so as to allow the user to navigate among said list and to select any one of said items, said user interface software configured to move a highlight marking, having a displayed location on said touchscreen, in a desired direction within said list in response to the user:

- (a) contacting said touchscreen with the object at a first location that is a function of the desired direction, not said displayed location of said highlight marking;
- (b) while keeping the object in contact with said touchscreen, moving the object along said touchscreen in the desired direction to a second location; and
- (c) immediately following said moving of the object along said touchscreen to said second location, lifting the object from said touchscreen so as to establish a new location of said highlight marking.

42. **(New)** An apparatus according to claim 41, wherein said user interface software is

configured to, after the user has marked a desired one of said items by performing steps (a) through (c) so as to highlight said desired one with the highlight marking, select said desired one in response to the user tapping the object on said touchscreen without regard to said display location of the highlight marking.

43. **(New)** An apparatus, comprising:

a computing device configured to provide a plurality of features, settings, applications and/or services to a user, said computing device including a user interface that comprises:

a touchscreen for displaying to the user a list of items corresponding to at least one of said plurality of features, settings, applications and/or services and for allowing the user to select any one of said items using said list; and
user interface software responsive to interaction of an object with said touchscreen so as to allow the user to scroll said list and to select any one of said plurality items, said user interface software configured to scroll said list in a desired direction in response to the user:

- (a) contacting said touchscreen with the object at a first location that is a function of the desired direction of said scroll and that is not based on any soft scroll control displayed on said touchscreen; and
- (b) while keeping the object in contact with said touchscreen, moving the object along said touchscreen in the desired direction to a second location, wherein said moving of the object causes said list to scroll in the desired direction.

44. **(New)** An apparatus according to claim 43, wherein said user interface software is configured to activate a selected one of said items in response to a user tapping the object on said touchscreen following the user lifting the object from the touchscreen after the user performs step (b).
45. **(New)** An apparatus according to claim 43, wherein said items are files.
46. **(New)** An apparatus according to claim 43, wherein said items are email messages.
47. **(New)** An apparatus according to claim 43, wherein each item is contact information for a corresponding contact.

REMARKS

Claims 1-47 are presently pending. Claims 1, 2 and 6-12, 14 and 15 have been amended for form and not for reasons relating to patentability of the claims in view of the references of record. Claims 19-47 are new.

Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the remarks appearing below.

The Current Patent Application

Before addressing in detail the specific rejections made in the current Office Action, Applicant would like to emphasize that the unique touchscreen-based user interface of the current patent application allows a user to navigate among, for example, applications, display screens, services, functions and settings using “low-precision” navigation techniques. These techniques are very different from conventional touchscreen interfaces, such as the touchscreen-based user interface of the Palm operating system described in the Carlson publication, which is addressed in detail below in the context of the rejections set forth in the present Office Action. Such conventional touchscreen-based user interfaces typically require the precise locating of a pointing object, for example a stylus, within clearly identified bounds of a displayed graphical feature, such as a page-up or page-down icon, scroll bar, button, menu item, application icon, etc., to effect a desired action.

Low-precision navigation user interfaces made in accordance with the current application can be implemented on very small touchscreens, for example, on the order of 2 inches to 3-inches in diagonal dimension, yet still allow very easy and accurate navigation with, for example, a user’s thumb (even when gloved), despite the fact that the (gloved) thumb covers a significant portion of the small screen during a navigation operation. For a demonstration of a number of features disclosed in the current patent application and covered by the claims therein and in the present Response, the Examiner is encouraged to access <http://www.neonode.com/en-us/on-stage/products/n2/introduction/> and watch the video demonstration of the N2 mobile phone/personal digital assistant device made by Neonode AB. The N2 device and its

predecessor N1 device each incorporate many of the low-precision navigation features originally disclosed in the current application. Applicant encourages the Examiner to view the demonstration video at the above-identified URL prior to reviewing Applicant's arguments below. If the Examiner is unable to view the demonstration video, Applicant respectfully requests that the Examiner contact the below-signed attorney to arrange an alternative demonstration of the N2 and/or N1 devices.

Rejections under 35 U.S.C. § 103

Carlson/Milic-Frayling/Conrad

Claims 1, 4-7, 12, 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of a combination of Carlson, Jeff, Visual Quickstart Guide Palm Organizers, Peachpit Press, Berkley, California, 2000 ("the Carlson publication"), U.S. Patent Application Publication No. 2004/0100510 to Milic-Frayling et al. ("the Milic-Frayling publication") and U.S. Patent No. 5,956,030 to Conrad et al. ("the Conrad patent"). Applicant respectfully disagrees.

The Carlson publication describes features and functionality of the Palm operating system (OS) (circa version 3.5) for personal organizer devices. Particular aspects of the Palm OS are described below in connection with specific rejections in which the U.S. Patent and Trademark Office (USPTO) raises those particular aspects. At a high level, however, Applicant notes that the Palm OS provides a user interface for use with a stylus or other object that primarily functions as either a pointer (e.g., when selecting a button, when selecting a menu choice, when dragging a slider-type icon or when highlighting text) or as a writing implement (e.g., when using the Palm GRAFFITI® handwriting recognition software to input letters and numerals). It is noted that, prior to the Palm OS, both of these functionalities were well known to be implemented in conventional mouse-based and tablet-based user interfaces. An exception to these functionalities in the context of the Palm OS is the ability to activate a single user-selected one of a predetermined set of features, namely, the backlight, keyboard, Graffiti-help, turn-off-and-lock, and beam-data features. See FIG. 2.22 and accompanying text of the Carlson publication directed to customizing buttons and selecting preferences for a description of this

functionality. In this exception, the Palm OS provides a single bottom-of-screen-to-top-of-screen stroke shortcut for quickly activating the chosen feature from the set of features.

The Milic-Frayling publication discloses a Web browser adapted for use on small displays, such as touchscreens, as typically found on handheld devices. Generally, the Milic-Frayling browser includes a page-display region and software that selects Web page content for displaying in the page-display region and formats that content for the small page display region. The browser has a menu bar beneath the display region. Referring to FIG. 2 of the Milic-Frayling publication, the menu bar contains a number of buttons including what appears to be a home button, a back button, a reload-page button, a “View Tools” button and a folder button, among others. It appears that a user can select any one of these buttons by tapping with a stylus on the touchscreen at the location of the desired button. See, for example, paragraph [0041] of the Milic-Frayling publication.

The Conrad patent discloses a system for managing windows on a computer screen. The system allows a user to, effectively, close windows by dragging them to a drawer region. When a window is in the drawer region of the screen, it is represented by a “drawer identifier” (see, e.g., drawer identifiers D1 through D4 in each of FIGS. 1-3 of the Conrad patent) that takes up much less screen-space than the window when open. When a window is in a drawer state, a user can open the window by clicking on the drawer identifier or dragging a cursor or an object, such as a file or folder, to the drawer identifier. An open window may be put into the drawer state by double clicking in a menu bar of the open window.

Turning now to the specific claim rejections, claim 1, as amended for clarity and not patentability, requires among other things that “each of said first, second, and third functions simultaneously represented in said menu area being activated by the single step of a blunt object moving in a direction from a starting point that is the representation of the corresponding one of said first, second, and third functions in said menu area to said display area being detected by said touch sensitive area.” In rejecting independent claim 1, the USPTO asserts that the Carlson publication teaches this step by virtue of the Palm OS’s bottom-of-screen-to-top-of-screen

single-stroke shortcut described above that allows a user to activate a single pre-selected feature of a small set of available features.

Two points regarding the Palm OS single-stroke shortcut are in order. First, the stroking movement is not linked at all to a corresponding representation of the feature activated by the stroke. In other words, the shortcut stroke itself has no relation whatsoever to the presence of representations in the menu area. Again, it is simply a shortcut set to the user's preference without regard to any representations being in the menu area. Second, the shortcut stroke must start in the Graffiti region. If the stroke is started over one of the icons to the left or right of the Graffiti region, the feature set as a preference will not start. Furthermore, none of the features (home, menu, calculator, find) having a representation outside the Graffiti region can be activated using the shortcut stroke. Again, the only features that the Palm OS allows for assigning to the shortcut stroke are the backlight, keyboard, Graffiti-help, turn-off-and-lock, and beam-data features, and only one feature can ever be activated using the shortcut stroke without the user changing the preference selected.

In view of the foregoing, it is clear that the Carlson publication does not disclose or suggest the limitation of claim 1 of "each of said first, second, and third functions simultaneously represented in said menu area being activated by the single step of a blunt object moving in a direction from a starting point that is the representation of the corresponding one of said first, second, and third functions in said menu area to said display area being detected by said touch sensitive area." Emphasis added. More particularly, the Carlson publication does not disclose or suggest that each of three functions having simultaneous representations in the menu area can be activated by the single step movement nor that the movement starts on the corresponding representation of the function to be activated.

Also in rejecting independent claim 1, the USPTO asserts that "Conrad teaches activating by a single step of an object moving in a direction from a starting point that is [the] representation of the function in the menu area to the display area" and directs Applicant to Figure 2 and col. 2, lines 15-62 of the Conrad patent in support of this asserted teaching. Applicant respectfully disagrees that the Conrad patent teaches this.

Applicant has reviewed the cited passage at col. 2, lines 15-62 of the Conrad patent and fails to find any mention of activating by moving an object away from a menu area into a display area. In fact, the Conrad patent appears to teach the opposite. The cited passage teaches opening for viewing a window “parked” in the drawer region (which is at the bottom of the screen) in three ways: 1) clicking in the drawer identifier (menu title bar); 2) dragging the cursor from the display region above the drawer identifier into the identifier; and 3) dragging an object desired to be placed in the parked window from the display region above the drawer identifier into the identifier. None of these actions involves movement of an object from a representation of a function in a menu area to a display area. In fact, all three disclosed movements are in the opposite direction relative to the direction of movement in claim 1.

This is further supported by Figures 1 and 2 of the Conrad patent. According to the written description of Figures 1 and 2 appearing at col. 5, line 64 to col. 6, line 23, of the Conrad patent, Figure 1 illustrates a path (6) along which a user moves a cursor (5) from a window region (8) of a desktop (20) toward a drawer region (9) (specifically, drawer D2 in this example) in anticipation of opening the window (200 in FIG. 2) corresponding to drawer D2. As explained at col. 6, lines 21-23, of the Conrad patent in connection with FIG. 2, window 200 is opened in response to the user moving the cursor 5 into the drawer region 9, specifically drawer D2. Window 200 is moved off screen, i.e., the drawer is closed, by the user moving the cursor 5 along the path (203) illustrated in Figure 2.

Generally drawing parallels between the window (drawer) opening and closing functionality disclosed in the Conrad patent and the function-opening functionality of the movement described in claim 1 (and setting aside the fact that the cursor (5) of the Conrad patent is not a user’s thumb), it is readily seen that the corresponding respective movements are opposite one another. In Conrad, a window (drawer) is opened by moving a cursor toward and into the drawer region from the window region, and in present claim 1, a function is activated by moving an object (finger) from the menu area into the display area. Consequently, Applicant respectfully submits that the Conrad patent, in fact, does not disclose or suggest the step of activating a function by moving a blunt object “in a direction from a starting point that is the

representation of the corresponding one of said first, second, and third functions in said menu area to said display area.” Furthermore, the Conrad patent is completely silent on the movement being of a “blunt object” and “being detected by said touch sensitive area,” as also required by amended claim 1.

For at least the foregoing reasons, Applicant respectfully submits that neither amended independent claim 1, nor claims 4-7, 12, 15 and 17 that depend therefrom, are rendered obvious in view of the applied combination.

Regarding claim 4, this claim requires among other things the limitation of “if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard.” In contrast, the Palm OS does not display the highlighted text as a function of the highlighting but rather as a function of which data field is active when the keyboard is opened. For example, in the Palm address application, if an address field is selected when the keyboard is opened, the keyboard displays the contents of that field, regardless of whether or not it contains any text and whether or not text is highlighted. Since the Carlson publication does not disclose or suggest the limitation of “if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard,” dependent claim 4 is not rendered obvious by the applied combination for at least this additional reason.

Regarding dependent claim 5, this claim requires among other things the limitation that “said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function.” [Emphasis added.] The keyboard function of the Palm OS does not give the user a choice of saving or deleting in connection with the second function (i.e., keyboard) being closed. Rather, when a user closes the keyboard of the Palm OS, the contents of the keyboard text field will automatically be input to text field that was active when the user opened the keyboard. The Palm OS does not provide any choices upon closing the keyboard. In addition, since there is no choice of saving in the Palm OS, *a fortiori*, there also is no activation of a first function as a result of the choice of saving as also required by the above-recited limitation of claim 5. Regarding the

USPTO's assertion in item 3 on page 5 of the current Office Action that the "beam memo" feature has relevance to the recited limitation, Applicant respectfully asserts that this feature must be manually selected by the user, either using a drop-down menu in the memo application of the Palm OS or using the shortcut stroke discussed above. For at least these additional reasons, the applied combination cannot render obvious dependent claim 5.

Regarding dependent claim 6, the claim requires among other things the limitation of "a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file." [Emphasis added.] In rejecting this claim, the USPTO directs Applicant to page 47 and Figure 2.35 of the Carlson publication. However, Figure 2.35 clearly shows that the Palm OS only displays applications in a list, not files. Therefore, Carlson fails to disclose or suggest at least the limitation of claim 6 that the selection of a file will open that file in an application intended for the file. Moreover, the USPTO is reminded that there is no teaching or suggestion in any of the references of the applied combination for opening a third function (file and task manager) as discussed above relative to claim 1. For at least these additional reasons, dependent claim 6 is not rendered obvious by the applied combination.

Regarding claim 7, this claim requires among other things the limitation that "a selection of an application or file is done by moving the blunt object so that a representation of a desired one of said application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area." [Emphasis added.] In rejecting this claim, the USPTO directs Applicant to pages 26 and 27 of the Carlson publication. Applicant respectfully disagrees that the Palm OS that is the subject of the Carlson publication works in the manner expressed in the above excerpt from claim 7.

An important distinction needs to be made here. Other than the Graffiti feature, the Palm OS provides, for all intents and purposes, a pointer-based touchscreen interface in which a stylus (or other fine-tipped object) is used to make menu selections, initiate applications, drag scroll-bars, etc. by touching the stylus to the screen at precisely the desired location. (In this connection, while a finger can be used in the Palm OS for at least some functions, there are many

instances when the proper response can be had only by very carefully using one's fingernail, as opposed to the fleshy tip of the finger. The Palm OS is certainly not designed for low-precision navigation as is the interface of the present invention.)

In the Palm OS, to select a desired option from a dropdown menu containing a list of options, the user typically simply taps the stylus on the touchscreen precisely at the location of the desired option. See page 26 of the Carlson publication that describes the "tap" function. When the user taps the touchscreen at the desired option, the selected option is briefly highlighted before the corresponding function is performed. If the user holds the stylus on the touchscreen over an option, that option remains highlighted until the user either slides the stylus on the touchscreen out of the region over the option or, with the stylus still over the option, removes the stylus from the touchscreen. The former does not cause the function corresponding to the initially highlighted option to be performed. In fact, in a list of options, the user may move the stylus from one to another while still touching the touchscreen, and all that will happen is that each will become highlighted whenever the stylus is over that option. However, the latter, i.e., the removing of the stylus from the region over the option, causes the corresponding function to be executed. In other words, an option is selected by the removal of the stylus from the screen while the option is highlighted.

Returning to the above-quoted excerpt from claim 7, that language clearly requires that after the application or file is highlighted, the object is removed from the touch sensitive area. Then, the selection of the application or file is made by then tapping on the touch sensitive area. The Palm OS clearly does not work this way. In the Palm OS, when the user highlights an item, it is selected by the mere removal of the object from touchscreen. There simply is no follow-on tapping, because the removal of the object has already caused the selection. Therefore, the Carlson publication does not teach at least the highlighting, object removal and tapping sequence required by claim 7. For at least this additional reason, claim 7 is not rendered obvious by the applied combination.

Regarding dependent claim 12, this claim as amended requires among other things the limitation that "an active application, function, service or setting is moved on one step by

moving said blunt object from the left of said display area to the right of said display area, and that the active application, function, service or setting is closed or backed one step by moving said blunt object from the right of said display area to the left of said display area.” [Emphasis added.] In rejecting this claim, the USPTO directs Applicant to the horizontal scroll bar feature in the TealDoc application described on page 246 of the Carlson publication. As seen in FIG. 14.2 of the Carlson publication, the TealDoc application presents a horizontal conventional-type scroll bar near the bottom of the display screen. As seen in that figure, the scroll slider the user must drag with a fine-tipped object (e.g., stylus) is relatively very small. When the user drags the slider with the fine-tipped object, the displayed text scrolls up or down, depending on the direction the user drags the slider.

Applicant respectfully asserts that the TealDoc scrolling feature does not correspond to the limitation recited in claim 12. First, Applicant respectfully asserts that scrolling through a document, which is a continuous, flowing process during the drag of the slider, cannot reasonably be said to be “moving on one step” or “backed one step,” each of which is inherently a discrete action. Second, Applicant respectfully asserts that due to the very small size of the TealDoc slider, the scrolling in fact cannot be accomplished using a blunt object. The slider is very small and requires the user to precisely locate a fine-tipped object within the boundary of the slider so that the user can drag the slider. Third, claim 12 requires that the object be moved from the left of the touchscreen to the right of the touchscreen. The TealDoc scroll bar does not start anywhere near the left of the touchscreen, but rather it starts near the center of the touchscreen. Because the Carlson publication does not disclose or suggest at least these limitations of dependent claim 12, the foregoing reasons are additional reasons why the applied combination cannot render obvious this claim.

Regarding claim 15, this claim as amended requires among other things the limitation that “said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure.” [Emphasis added.] In rejecting this claim, the USPTO directs Applicant to the portion of page 12 of the Carlson publication directed to the silkscreened Graffiti area at the bottom of the touchscreen of the Palm device. Applicant

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respectfully disagrees that the silkscreened Graffiti area corresponds to the limitations of claim 15.

The Carlson publication, on page 12, states that the “Graffiti input area and the buttons on either side of it are printed on a layer of glass by a silkscreening process.” Upon review of a Palm device, particularly a Palm IIIc device, it appears that the layer of glass is part of the entire touchscreen (including both the menu area and display area). Therefore, it is Applicant’s position that it is not reasonable to refer to this layer of glass as an “enclosure . . . provided with an opening for said display area,” as required by claim 15, because it is in fact part of the display area and indeed part of the entire touchscreen. Since the Palm glass layer is not an enclosure, the Carlson publication also does not disclose or suggest an enclosure having a “of said menu area is printed on top of said enclosure” as also required by claim 15. Because the Carlson publication does not disclose or suggest at least these limitations of amended dependent claim 15, the foregoing reasons are additional reasons why the applied combination cannot render obvious this claim.

For at least the foregoing reasons, Applicant respectfully requests withdrawal of the present rejection.

Carlson/Milic-Frayling/Conrad/Kopitzke

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of a combination of the Carlson publication, the Milic-Frayling publication, the Conrad patent and U.S. Patent No. 6,988,246 to Kopitzke et al. (“the Kopitzke patent”). Applicant respectfully disagrees.

The teachings of each of the Carlson publication, the Milic-Frayling publication and the Conrad patent are as described above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination.

The Kopitzke patent discloses a device and a software application that together present a touch sensitive user interface for monitoring systems aboard an aircraft. The application displays various screens and menus that change depending on what system a user desires to monitor. The

user interface displays an onscreen help key or button (6) that is displayed regardless of the contents of the display area (2).

Turning now to the rejected claims, it is noted that claims 2 and 3 both depend from claim 1. As discussed above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination, claim 1 is not obvious in view of that combination because the combination lacks a number of the limitations of claim 1. The Kopitzke patent does not disclose or suggest the limitations missing from the Carlson/Milic-Frayling/Conrad combination. Therefore, claims 2 and 3 are not obvious in view of the present Carlson/Milic-Frayling/Conrad/Kopitzke combination.

For at least this reason, Applicant respectfully requests withdrawal of the present rejection.

Carlson/Milic-Frayling/Conrad/Wynn

Claims 8-11 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of a combination of the Carlson publication, the Milic-Frayling publication, the Conrad patent and U.S. Patent No. 6,734,883 to Wynn et al. (“the Wynn patent”). Applicant respectfully disagrees.

The teachings of each of the Carlson publication, the Milic-Frayling publication and the Conrad patent are as described above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination.

The Wynn patent discloses a graphical user interface control that allows a user to “spin” forward and backward through a list of items while the interface displays preview and postview segments of the list. According to the Wynn patent, by providing visible access to the upcoming and recently past selections, the user can operate the spin control at a higher speed, thereby increasing efficiency.

Turning now to the rejected claims, it is noted that claims 8-11 each depend from claim 1. As discussed above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination, claim 1 is not obvious in view of that combination because the combination lacks a number of the limitations of claim 1. The Kopitzke patent does not disclose or suggest the

limitations missing from the Carlson/Milic-Frayling/Conrad combination. Therefore, claims 8-11 are not obvious in view of the present Carlson/Milic-Frayling/Conrad/Wynn combination.

Looking now more specifically at the claims individually, dependent claim 8 requires among other things that “a top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.” [Emphasis added.] In rejecting this claim, the USPTO directs Applicant to col. 3, lines 4-8, of the Wynn patent and asserts that the Wynn dialog box 32 is a field through which the content of a list can be altered in the manner required by claim 8. Applicant respectfully disagrees.

A careful reading of claim 8 counsels that the “field” of the claim is used to toggle the content of the list between applications and files. When a representation of a task manager appears in this field, the list displays files, and when a representation of a file manager appears in the field, the list displays applications. When a user selects the field (which contains a representation of either a task manager or file manager), the field toggles to the opposite representation (i.e., from file manager to task manager, or vice versa) and the list toggles to the opposite type list (i.e., from applications to files, or vice versa).

In contrast Wynne et al. describe dialog box 32 (i.e., “field”) of the Wynn patent as being a place for a user to either type in a choice or populate using a drop-down menu of choices. Col. 3, lines 8-14. The Wynn patent also discloses that this dialog box, or field, has a label 31 identifying what the field is for, e.g., URLs, file to open, locations visited, etc. Col. 3, lines 6-32. Applicant respectfully asserts that the Wynn patent does not disclose the “toggling” inherent in claim 8 as noted above. Regardless of what a user inputs into dialog box 32 and regardless of how label 31 is changed (which it is not for a given dialog box because it is simply a static label), the character of the list corresponding to the dialog box never toggles from application to file. Because the Wynn patent does not disclose or suggest what the USPTO asserts, for at least this

additional reason, the Carlson/Milic-Frayling/Conrad/Wynn combination cannot render obvious claim 8.

In addition, the undersigned notes he is confused by the rejection in that the text of the rejection in item 10 on page 9 of the current Office Action appears to assert that the dialog box 32 corresponds to the “field” of claim 8 and that this field displays a label (31), which corresponds to the “representation” of claim 8. The undersigned respectfully asserts this construction of the Wynn teachings does not appear to make sense in the context of claim 8. Claim 8 requires the field (dialog box) to display the representation (label). However, in the Wynn patent, the dialog box does not display the label, rather the label is displayed adjacent to the dialog box. Thus, the undersigned believes there is an internal discrepancy within the rejection.

Regarding dependent claim 9, this claim as amended requires among other things the limitation that “a navigation in said list is performed by moving said blunt object in a direction towards the top of said list or towards the bottom of said list, that the movement of said blunt object will cause said marking to move in the same direction, and that the speed of movement of said marking is lower than the speed of movement of said blunt object.” [Emphasis added.] In rejecting this claim, the USPTO asserts that col. 3, lines 32-39, and Figure 5 of the Wynn patent disclose moving of the blunt object to navigate in the list and that col. 4, lines 24-30, discloses the differing speed aspect of the claim. Applicant respectfully disagrees.

As for the Wynn patent’s teachings at col. 3, lines 32-39, all Wynn et al. disclose there is that a user can select an item using a cursor-type pointer or an arrow or tab key. There is no mention whatsoever that the navigation is performed with a blunt object. As for the Wynn patent’s teachings at col. 4, lines 24-30, all that Wynn et al. state there is that conventional graphical user interface controls can be difficult to operate rapidly due to the inability of the user to scroll through a list and select a choice at the same speed as the computer can print the choices to the screen. There is absolutely no mention of any relationship between the speed of moving a blunt object along a touch sensitive region and the speed at which a marking in a list is moved. Because the Wynn patent does not disclose or suggest at least these limitation of claim 9, the

Carlson/Milic-Frayling/Conrad/Wynn combination cannot render obvious this claim for these additional reasons.

Regarding dependent claim 10, this claim as amended requires among other things the limitation that “if said blunt object is positioned at the bottom of said display area, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list.” [Emphasis added.] In rejecting this claim, the USPTO asserts that the “Full Page Up” feature described on page 253 of the Carlson publication corresponds to the above-quoted excerpt from claim 10. Applicant respectfully disagrees.

As discussed above in detail relative to the rejection of claim 7 in view of the Carlson/Milic-Frayling/Conrad combination, the Palm OS activates a selection upon removal of an object from the touchscreen. This is typically done in the form of a tap (i.e., a rapid contact and withdraw movement) using a stylus. In connection with the split-screen scroll options described on page 253 of the Carlson publication, Carlson indeed describes the split-screen regions as “letting you control the amount of scrolling based on where you tap.” [Emphasis added.] Thus, the mere movement of a blunt object to the bottom of the display area as required by claim 10 will, in fact, not cause the scrolling effect. Rather, the scrolling will not occur until the object is lifted. Since the Carlson publication does not disclose or suggest this feature of claim 10 as asserted, the Carlson/Milic-Frayling/Conrad/Wynn combination cannot render obvious this claim for this additional reason.

For at least the foregoing reasons, Applicant respectfully requests withdrawal of the present rejection.

Carlson/Milic-Frayling/Conrad/Design Choice

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being obvious in view of a combination of the Carlson publication, the Milic-Frayling publication, the Conrad patent and design choice of someone of ordinary skill in the art at the time of the invention. Applicant respectfully disagrees.

Claim 13 depends from claim 1. As discussed above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination, claim 1 is not obvious in view of that combination because the combination lacks a number of the limitations of that claim. Since claim 13 depends from claim 1, claim 13 is not obvious in view of the present Carlson/Milic-Frayling/Conrad/Design Choice combination. Therefore, Applicant respectfully requests withdrawal of the present rejection.

Carlson/Milic-Frayling/Conrad/Strietelmeier

Claims 14 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of a combination of the Carlson publication, the Milic-Frayling publication, the Conrad patent and Strietelmeier, Julie, “Palm m100,” The Gadgeteer, 2000 (“the Strietelmeier publication”). Applicant respectfully disagrees.

The teachings of each of the Carlson publication, the Milic-Frayling publication and the Conrad patent are as described above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination.

The Strietelmeier publication describes features of the Palm m100 personal digital assistant that runs the same stylus-based Palm OS 3.5 described in the Carlson publication discussed above. The Strietelmeier publication lists that the area of the display of the m100 device is 2.675 in. x 1.965 in. (which yields a diagonal dimension of about 3.32 in.). The display area of the m100 device is the smallest of the five devices listed in the Strietelmeier publication.

Turning to the rejected claims, claim 14 depends from claim 1, and claim 16 incorporates limitations from claim 1 via claim 15 from which claim 16 depends. As discussed above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination, claim 1 is not obvious in view of that combination because the combination lacks a number of the limitations of that claim. The Strietelmeier publication does not disclose or suggest the limitations missing from the Carlson/Milic-Frayling/Conrad combination. Since claim 14 depends from claim 1 and claim 16 incorporates limitations of claim 1, claim 14 and 16 are not obvious in view of the present Carlson/Milic-Frayling/Conrad/Strietelmeier combination.

In addition, specifically regarding claim 14, this claim as amended requires that the touch sensitive area have “a size that is 2-3 inches in diagonal dimension, and that said user interface is adapted to be operated by one hand when the mobile handheld computer unit is held in the one hand, wherein said blunt object is a thumb of the one hand.” [Emphasis added.] Regarding the area of the touch sensitive area, the 3.32 in. diagonal dimension of the m100 device is larger than the 3 in. upper end of the claimed range. While 0.32 in. may not on its face seem to be much of a difference, Applicant notes that the difference is in fact substantial when the device is used in the manner of claim 14, i.e., cradled in one hand and operated by the fleshy part of the thumb of that same hand for true single-hand operation. If the Examiner has access to any of the Palm devices the Strietelmeier publication lists (i.e., the m100, III/IIIx, V and IIIc devices), Applicant respectfully requests that the Examiner try to operate that Palm device in a truly one-handed manner using the fleshy part of the holding hand to use the touchscreen. Applicant believes the Examiner will find that it is challenging and awkward to access the touchscreen with the thumb in any meaningful manner. Applicant respectfully requests that this experience be compared to the video demonstration mentioned above that is available at the www.neonode.com Website.

Regarding the limitations of claim 14 directed specifically to the holding of the computer unit in one hand and navigating using the fleshy part of the thumb of that same hand, Applicant again respectfully points out that the Palm OS is intended to be used with a stylus or other fine-tipped object. The designers of the Palm OS clearly did not intend the use of a blunt object, especially the fleshy part of a thumb. If the fleshy part of the thumb works at all on a device running the circa-version-3.5 of the Palm OS, it is usually by mere luck that the user selects a desired action using that part of the thumb. Since the Strietelmeier publication does not disclose or suggest the features of claim 14 as asserted, the Carlson/Milic-Frayling/Conrad/Strietelmeier combination cannot render obvious this claim for this additional reason.

For at least the foregoing reasons, Applicant respectfully requests withdrawal of the present rejection.

Carlson/Milic-Frayling/Conrad/Chew

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being obvious in view of a combination of the Carlson publication, the Milic-Frayling publication, the Conrad patent and U.S. Patent No. 5,956,030 to Chew et al. (“the Chew patent”). Applicant respectfully disagrees.

Claim 18 incorporates limitations from claim 1 via its dependency from claim 17. As discussed above relative to the rejection in view of the Carlson/Milic-Frayling/Conrad combination, claim 1 is not obvious in view of that combination because the combination lacks a number of the limitations of that claim. Since claim 18 includes limitations of claim 1, claim 18 is not obvious in view of the present Carlson/Milic-Frayling/Conrad/Chew combination. Therefore, Applicant respectfully requests withdrawal of the present rejection.

New Claims 19-47

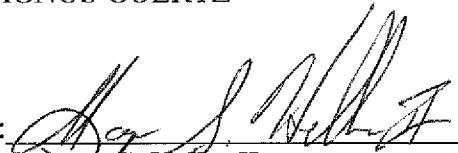
Applicant has added new claims 19-47 on the belief they are enabled by the original application and are patentable over the references of record. Applicant respectfully requests that the Examiner take appropriate action on these new claims.

CONCLUSION

In view of the foregoing, Applicant submits that claims 1-47, as amended and newly presented, are in condition for allowance. Therefore, prompt issuance of a Notice of Allowance is respectfully solicited. If any issues remain, the Examiner is encouraged to call the undersigned attorney at the number listed below.

Respectfully submitted,

MAGNUS GOERTZ

By: 
Morgan S. Heller II
Registration No.: 44,756

Downs Rachlin Martin PLLC
Tel: (802) 863-2375
Attorneys for Applicant

2403177.1

Electronic Patent Application Fee Transmittal

Application Number:	10315250			
Filing Date:	10-Dec-2002			
Title of Invention:	User interface			
First Named Inventor/Applicant Name:	Magnus Goertz			
Filer:	Morgan Heller/Karen Jeffer			
Attorney Docket Number:	3682-32			
Filed as Small Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	2202	27	25	675
Independent claims in excess of 3	2201	5	105	525
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Extension - 1 month with \$0 paid	2251	1	60	60
Miscellaneous:				
Total in USD (\$)				1260

Electronic Acknowledgement Receipt

EFS ID:	3002818
Application Number:	10315250
International Application Number:	
Confirmation Number:	1226
Title of Invention:	User interface
First Named Inventor/Applicant Name:	Magnus Goertz
Customer Number:	23117
Filer:	Morgan Heller/Karen Jeffer
Filer Authorized By:	Morgan Heller
Attorney Docket Number:	3682-32
Receipt Date:	14-MAR-2008
Filing Date:	10-DEC-2002
Time Stamp:	16:16:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 1260
RAM confirmation Number	1756
Deposit Account	041588
Authorized User	HELLER,MORGAN

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	POA.pdf	50721	no	2
			1715deab6170790fd983c484a8e08617bd6b8830		
Warnings:					
Information:					
2	Extension of Time	PetitionExtensionTime.pdf	71471	no	1
			7d6e68164345e6678730ca9ad1d86d459d3b58e7		
Warnings:					
Information:					
3		ResponseOfficeAction.pdf	1812549	yes	32
			cec402c4cf0ee398e747e2b049ef51feb4f7bbc3		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment - After Non-Final Rejection		1	1	
	Claims		2	14	
	Applicant Arguments/Remarks Made in an Amendment		15	32	
Warnings:					
Information:					
4	Fee Worksheet (PTO-06)	fee-info.pdf	8399	no	2
			3936df14179a7875907942b48c66cb30a8ab9f115		
Warnings:					
Information:					
Total Files Size (in bytes):			1943140		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Magnus Goertz

Assignee: Neonode AB

Serial No.: 10/315,250

Filed: December 10, 2002

Title: User Interface

Attorney Docket No.: 12511-00003 (New)
3682-32 (Previous)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REVOCATION OF POWER OF ATTORNEY AND
APPOINTMENT OF NEW ATTORNEY**

Assignee of record of the entire interest for the above-identified application hereby revokes any other previous powers of attorney, and appoints: Lawrence H. Meier, Esq., Registration No. 31,446, and Morgan S. Heller II, Registration No. 44,756, attorneys with the firm of Downs Rachlin Martin PLLC, and members of the Bar of the State of Vermont, as its attorneys, with the full power of association, revocation and substitution, to transact all business in the U.S. Patent and Trademark Office in connection therewith.

Please change the correspondence address for the above-identified application to the address associated with Customer Number 21918.

P225-02/04

1

Law Offices Of
Downs Rachlin Martin PLLC
199 Main Street
P.O. Box 190
Burlington, Vermont 05402-0190
(802) 863-2375

PATENT

Respectfully submitted,

NEONODE AB



Date: 10/3/2008

By: _____

Name: Magnus Goertz

Title: CTO

Address: Biblioteksgatan 11, Ltr.
Stockholm, Sweden 11146

2384848.1

P225-02/04

2

Law Offices Of
Downs Rachlin Martin PLLC
199 Main Street
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(802) 863-2375

PTO/SB/22 (01-08)

Approved for use through 03/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2008 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) 12511-00003	
Application Number 10/315,250		Filed 12/10/2002	
For User Interface			
Art Unit 2174		Examiner Ryan F. Pitaro	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ <u>60.00</u>
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$460	\$230	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1050	\$525	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1640	\$820	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2230	\$1115	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 04-1588. I have enclosed a duplicate copy of this sheet.

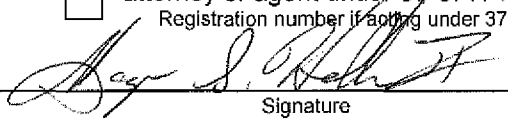
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 44756

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



 Signature

3/14/2008
 Date

Morgan S. Heller II
 Typed or printed name

802-863-2375
 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/315,250		Filing Date 12/10/2002		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)		SMALL ENTITY <input checked="" type="checkbox"/>		OR		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		N/A		N/A		N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A		N/A		N/A		N/A	
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A		N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=	OR	X \$	=	X \$	=	X \$
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=	OR	X \$	=	X \$	=	X \$
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL		TOTAL		TOTAL		TOTAL	
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT	03/13/2008	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(i))	* 47	Minus	** 20	=	X \$	=	OR	X \$	=	X \$
Independent (37 CFR 1.16(h))	* 8	Minus	*** 3	=	X \$	=	OR	X \$	=	X \$
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))							OR			
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
(Column 1)			(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=	OR	X \$	=	X \$
Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=	OR	X \$	=	X \$
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))							OR			
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR			
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/JAMES F. ELLIOTT/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	3682-32	1226

23117	7590	11/14/2007
NIXON & VANDERHYE, PC		
901 NORTH GLEBE ROAD, 11TH FLOOR		
ARLINGTON, VA 22203		

EXAMINER	
PITARO, RYAN F	

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
11/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/315,250

Applicant(s)

GOERTZ, MAGNUS

Examiner

Ryan F. Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Application/Control Number: 10/315,250

Page 2

Art Unit: 2174

DETAILED ACTION

Response to Amendment

This communication is responsive to the Amendment filed 8/23/2007.

Claims 1-18 are pending in this application. Claims 1, 15 and 17 are independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, 12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson (“Carlson”, Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.) in view of Milic-Frayling et al (“Milic-Frayling”, US 2004/0100510) in view of Conrad et al (“Conrad”, US 5,956,030).

1. As per claim 1, Carlson teaches a computer readable medium storing a computer program with computer program code, which code, when read by a mobile computer unit allows the computer to present a user interface for a mobile handheld computer unit (Introduction, page xiii), where said computer unit comprises a touch sensitive area (page 26, *the screen is touch sensitive*), that is simultaneously divided into a menu area (page 12, fig. 1.10 *silk screen graffiti area*) and a display area, the computer unit is being adapted to run several applications simultaneously (page 47, *all of the applications are running concurrently*), and to present an active application on top of any other application on said display area, characterised in, that said menu area is adapted to present a representation of a first, a second and a third predefined function, that said first function is a general application dependent function (page 28, *the Menu icon*, fig. 2.4), that said second function is a keyboard function (page 30, *either the abc or 123 dots in the lower corner of the Graffiti area*), that said third function is a task and file manager (page 47, *the Applications screen* & fig. 2.35), and that any one of said three functions can be activated when said touch sensitive area detects a movement of an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area (page 40, *bottom-to-top screen stroke shortcut* fig. 2.22 & page 30, *drag the stylus vertically across the screen from bottom to top*), said user interface allowing low precision navigation using a blunt object, whereby said user interface can be operated by one hand (page 12, *“The stylus is the main method of interacting with the PalmPilot” and it inherently involves one hand to use the stylus.* Also, if a finger was used, that would also be considered using one hand), where said blunt object is a finger (page 12, *“The stylus is the main method of interacting” though*

anything including fingers **can** work). Carlson fails to distinctly point out simultaneously displaying a first, second, and third function. Milic-Frayling teaches the menu area being adapted to simultaneously present representations of a first function, a second function, and a third function (Figure 1 view Tools toolbar, with keyboard, file manager, etc.).

Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Milic-Frayling with the interface of Carlson. Motivation to do so would have been to provide away to quickly access common functions and provide a user with a large enough space. The modified Carlson still does not explicitly point out activation by a single step of an object moving in a direction on the touch sensitive area. However, Conrad teaches activating by the single step of an object moving in a direction from a starting point that is representation of the function in the menu area to the display area (Figure 2, Column 2 lines 15-62). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Venolia with the modified Carlson. Motivation to do so would have been to provide easy access to windows.

2. As per claim 4, the modified Carlson teaches the user interface according to claim 1, characterised in,

that, if said second function is activated, said display area is adapted to display a keyboard and a text field,

that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and

that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard (Carlson, page 30, fig 2.7).

3. As per claim 5, the modified Carlson teaches the user interface according to claim 4, characterized in, that if no text passage in said active application is highlighted, and said text field is used for inputting and editing of text through said keyboard (Carlson, page 30, fig 2.7), then

said first function can be activated, or

said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function,

in which said first function will present services or settings available for said inputted text (Carlson, page 28, fig. 2.4 *Beam Memo*).

4. As per claim 6, the modified Carlson teaches the user interface according to claim 1, characterised in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file (Carlson, page 47, fig. 2.35).

5. As per claim 7, the modified Carlson teaches the user interface according to claim 6, characterised in, that a selection of an application or a file is done by moving said object so that the representation of desired application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area,

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and that an application or file is highlighted by placing some kind of marking on the representation of said application or file (Carlson, pages 26 & 27).

6. As per claim 12, the modified Carlson teaches the user interface according to Claim 1, characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function service or setting is closed or backed one step by moving said object from the right of said display area to the left of said display area (Carlson, page 246, fig. 14.2, *Drag to scroll through file*).

7. As per claim 15, the modified Carlson teaches an enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure (Carlson, page 12, *Silkscreen Graffiti area* & fig. 1.10).

8. As per claim 17, the modified Carlson teaches a computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1 (Carlson, page 25, *Palm OS*).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson (“Carlson”, Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.), Milic-Frayling et al (“Milic-Frayling”, US 2004/0100510)

and Conrad et al (“Conrad”, US 5,956,030) in view of Kopitzke et al. (“Kopitzke”, US # 6,988,246 B2).

9. As per claim 2, the modified Carlson teaches the user interface according to claim 1, characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application (Carlson, page 28, *the Menu icon*, fig. 2.4), and that, if no application is currently active on said computer unit, said icons are adapted to represent services or settings of the operations system of said computer unit (Carlson, page 47, fig. 2.36, *12:11 am*).

However the modified Carlson does not teach expressly the user interface according to claim 1, characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application.

Kopitzke teaches the user interface according to claim 1, characterized in, that said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application (column 4, lines 36-53 & fig. 1, *Help key or button 6*).

The modified Carlson and Kopitzke are analogous art because they are in the same field of endeavor, namely graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide the help function as taught by Kopitzke within the user interface of the modified Carlson in order to provide context sensitive information.

As per claim 3, the modified Carlson teaches the user interface according to claim 2, characterised in, that a selection of a preferred service or setting is done by tapping on corresponding icon (Carlson, page 26, fig. 2.1 *Tapping just about any interface element in the Palm OS evokes a response*).

Claims 8-11 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson (“Carlson”, Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.), Milic-Frayling et al (“Milic-Frayling”, US 2004/0100510) and Conrad et al (“Conrad”, US 5,956,030) in view of Wynn et al. (“Wynn”, US # 6,734,883 B1).

10. As per claim 8, the modified Carlson teaches the user interface according to claim 7. However the modified Carlson does not teach expressly the user interface, characterized in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

Wynn teaches a user interface control, characterized in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered (column 3, lines 4-8, *dialog box* 32), that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation (column 3, lines 4-8, *label* 31) of a file manager and a selection of said field will cause said list to alter and present only files (column 3, lines 15-31).

The modified Carlson and Wynn are analogous art because they are in the same field of endeavor, namely scrolling within graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the selection list format as taught by Wynn within the user interface of the modified Carlson in order to provide a conventional list format.

11. As per claim 9, the modified Carlson teaches the user interface according to claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (Carlson, page 27, *a quicker way to view the full list is to tap and hold on the dark solid portion of the scroll bar, then drag it vertically*).

However the modified Carlson does not teach expressly that the speed of the movement of said marking is lower than the speed of the movement of said object.

Wynn teaches a user interface control, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (column 3, lines 32-39 & figs. 5) and that the speed of the movement of said marking is lower than the speed of the movement of said object (column 4, lines 24-30).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the scrolling function as taught by Wynn within the user interface of the modified Carlson in order to provide a conventional selection list.

12. As per claim 10, the modified Carlson in view of Wynn teaches the user interface according to claim 9, characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list (Carlson, page 253, fig. 14.15 *Full Page Up*).

The modified Carlson in view of Wynn does not disclose expressly the user interface, characterised in that if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of

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said display area, the content of said display area will be replaced by the following applications and/or files in said list.

At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the *Full Page Up* function (Carlson, page 253, fig 14.15) to work as a Full Page Down function by tapping on the bottom of the display area because Applicant has not disclosed that *if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list* provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the modified Full Page Up function as taught by Carlson because it would only need to be implemented to scroll down instead of up, when the display area is tapped on the bottom, instead of the top.

13. As per claim 11, the modified Carlson in view of Wynn teaches the user interface according to claim 10, characterised in, that if said object is removed from any first position on said display area and then replaced on any second position on said display area, said navigation can be continued from said second position (Carlson, page 253, fig. 14.15).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press.

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2000. Berkeley, CA.) Milic-Frayling et al (“Milic-Frayling”, US 2004/0100510) and Conrad et al (“Conrad”, US 5,956,030).

14. As per claim 13, the modified Carlson teaches the user interface according to Claim 1, characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, and that said representation of said second function is positioned at the middle of said menu area.

The modified Carlson does not teach expressly that said representation of said third function is positioned at the right side of said menu area.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to place the third function on the right side of the display area instead of the left, because Applicant has not disclosed that *said representation of said third function is positioned at the right side of said menu area* provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore would have expected Applicant’s invention to perform equally well with the third function on the left side of the display area because the placement of the representation would not change its functionality.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson (“Carlson”, Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA: Peachpit Press, 2000), Milic-Frayling et al (“Milic-Frayling”, US 2004/0100510)

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and Conrad et al (“Conrad”, US 5,956,030) in view of Strietelmeier (“Strietelmeier”, Strietelmeier, Julie. “Palm m100.” The Gadgeteer. 2000.

<http://www.the-gadgeteer.com/review/palm_m100_review>).

15. As per claim 14, the modified Carlson teaches the user interface according to Claim 1, characterised in, that said user interface is adapted to a touch sensitive area and that said user interface is adapted to be operated by one hand, where said object can be a finger (page 12, *stylus...includes fingers*).

However the modified Carlson does not teach expressly a touch sensitive area with a size that is in the order of 2-3 inches.

Strietelmeier teaches a user interface, characterised in, a touch sensitive area with a size that is in the order of 2-3 inches (page 4).

The modified Carlson and Strietelmeier are analogous art because they are in the same field of endeavor, namely palm-sized computer organizers.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the dimensions of a touch sensitive area as taught by Strietelmeier within the user interface of the modified Carlson in order to provide a touch sensitive area with the manufacturer’s dimensions.

16. As per claim 16, the modified Carlson teaches the enclosure according to claim 15. However, the modified Carlson does not disclose the enclosure characterised in, that said enclosure is removable and exchangeable.

Strietelmeier teaches an enclosure characterised in, that said enclosure is removable and exchangeable (page 3, *you can also remove the entire face plate... there will be different face plates available*).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the customizable enclosures as taught by Strietelmeier within the enclosure of the modified Carlson in order to tailor an enclosure to a user's preferences.

17. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA: Peachpit Press, 2000), Milic-Frayling et al ("Milic-Frayling", US 2004/0100510) and Conrad et al ("Conrad", US 5,956,030) in view of Chew et al. ("Chew", US # 6,727,917).

18. As per claim 18, the modified Carlson teaches a computer readable medium according to claim 17.

However the modified Carlson does not teach expressly, that said computer program product is adapted to function as a shell upon an operations system.

Chew teaches a user interface for a palm-sized computer device, characterized in, that said computer program product is adapted to function as a shell upon an operations system (column 2, lines 1-5).

The modified Carlson and Chew are analogous art because they are in the same field of endeavor, namely graphical user interfaces for hand-held personal computing devices with touch sensitive displays.

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to further modify the modified Carlson program to function as shell as taught by Chew in order to efficiently display information.

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sy D Luu/

Primary Examiner, Art Unit 2174

Ryan Pitaro
Patent Examiner
Art unit 2174

RFP

Notice of References Cited	Application/Control No. 10/315,250		Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS	
	Examiner Ryan F. Pitaro		Art Unit 2174	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,956,030	09-1999	Conrad et al.	715/769
*	B	US-2004/0100510	05-2004	Milic-Frayling et al.	345/864
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			


FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS


*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
Final	Original	11/09/2007							
	1	✓							
	2	✓							
	3	✓							
	4	✓							
	5	✓							
	6	✓							
	7	✓							
	8	✓							
	9	✓							
	10	✓							
	11	✓							
	12	✓							
	13	✓							
	14	✓							
	15	✓							
	16	✓							
	17	✓							
	18	✓							

Search Notes 	Application/Control No. 10315250	Applicant(s)/Patent Under Reexamination GOERTZ, MAGNUS
	Examiner Ryan F Pitaro	Art Unit 2174

SEARCHED			
Class	Subclass	Date	Examiner
Update	Search	11/8/2007	RFP

SEARCH NOTES		
Search Notes	Date	Examiner
Update Search	11/8/2007	RFP

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

PATENT APPLICATION FEE DETERMINATION RECORD Effective October 1, 2001

Application or Docket Number

10315250

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	18	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	18 minus 20 =	*
INDEPENDENT CLAIMS	1 minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	18	20	
Independent	1	3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY TYPE ☐ OR

OTHER THAN SMALL ENTITY

RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL		OR	TOTAL	

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

315-07

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	18	20	
Independent	1	3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

8-2377

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	18	20	
Independent	1	3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

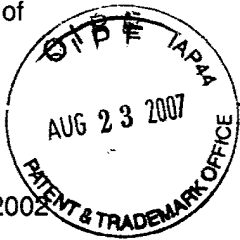
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

In re Patent Application of

Atty 5042-2 (formerly 3682-
Dkt. 32)

C# M#

GOERTZ



TC/A.U.

2174; Conf. 1226

Serial No. 10/315,250

Examiner: Pitaro, Ryan F.

Filed: December 10, 2002

Date: August 23, 2007

Title: USER INTERFACE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment	18	minus highest number			
previously paid for	20	(at least 20) =	0	x \$50.00	\$0.00 (1202)/\$0.00 (2202) \$ 0.00

Independent claims after amendment	1	minus highest number			
previously paid for	3	(at least 3) =	0	x \$200.00	\$0.00 (1201)/\$0.00 (2201) \$ 0.00

If proper multiple dependent claims now added for first time, (ignore improper); add

\$360.00 (1203)/\$0.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension	\$120.00 (1251)/\$0.00 (2251)	
Two Month Extensions	\$450.00 (1252)/\$0.00 (2252)	
Three Month Extensions	\$1020.00 (1253)/\$0.00 (2253)	
Four Month Extensions	\$1590.00 (1254)/\$0.00 (2254)	
Five Month Extensions	\$2160.00 (1255)/\$1080.00 (2255)	\$ 0.00

Terminal disclaimer enclosed, add

\$130.00 (1814)/ \$0.00 (2814) \$

☒ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee	\$180.00 (1806)	\$ 0.00
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Assignment Recording Fee	\$40.00 (8021)	\$ 0.00
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Other: Attachments A and B attached to Amendment		\$ 0.00
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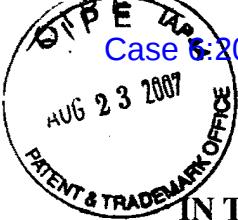
TOTAL FEE \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
RAM:drt

NIXON & VANDERHYE P.C.
By Atty: Robert A. Molan, Reg. No. 29,834

Signature: Robert A. Molan



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GOERTZ

Atty. Ref.: 5042-2
(Formerly 3682-32)

Serial No.: 10/315,250

Group: 2174; Conf. No. 1226

Filed: December 10, 2002

Examiner: Pitaro, Ryan F.

For: USER INTERFACE

* * * * *

August 23, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action mailed May 24, 2007, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

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AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A computer readable medium storing a computer program with computer program code, which code, when read by a mobile handheld computer unit, allows the computer to present a user interface for a the mobile handheld computer unit, the user interface comprising:

a touch sensitive area that is simultaneously divided into a menu area and a display area, the computer unit being adapted to run several applications simultaneously, and to present an active application on top of any other application on the display area, characterised in, that the menu area ~~being adapted to~~ simultaneously presenting representations of a first function that is a general application dependent function, a second function that is a keyboard function, and a third function that is a task and file manager, and

each of the three functions simultaneously represented in the menu area being activated by the single step of an object moving in a direction from a starting point that is the representation of the function in the menu area to the display area being detected by the touch sensitive area, thereby allowing low precision navigation of the user interface using a blunt object, so that the user interface can be operated by one hand, where the blunt object is a finger.

2. (Currently Amended) The computer readable medium of claim 1, wherein the user interface according to Claim 1, is characterized in, that, if said first function is activated, said

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display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a “help”-service, regardless of application, and that, if no application is currently active on said computer unit, said icons are adapted to represent services or settings of the operations system of said computer unit.

3. (Currently Amended) The computer readable medium of claim 2, wherein the user interface according to Claim 2, is characterised in, that a selection of a preferred service or setting is done by tapping on corresponding icon.

4. (Currently Amended) The computer readable medium of claim 1, wherein the user interface according to Claim 1, is characterised in,

- that, if said second function is activated, said display area is adapted to display a keyboard and a text field,
- that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and
- that if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard.

5. (Currently Amended) The computer readable medium of claim 4, wherein the user interface according to Claim 4, is characterised in, that if no text passage in said active

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application is highlighted, said text field is used for inputting and editing of text through said keyboard, then

- said first function can be activated, or
- said second function can be closed, in which a choice of saving or deleting said

inputted text is given, where the choice of saving said inputted text results in an activation of said first function,

in which said first function will present services or settings available for said inputted text.

6. (Currently Amended) The computer readable medium of claim 1, wherein the user interface according to Claim 1, is characterised in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file.

7. (Currently Amended) The computer readable medium of claim 6, wherein the user interface according to Claim 6, is characterised in, that a selection of an application or a file is done by moving said object so that the representation of desired application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area, and that an application or file is highlighted by placing some kind of marking on the representation of said application or file.

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8. (Currently Amended) The computer readable medium of claim 7, wherein the user interface according to Claim 7, is characterised in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

9. (Currently Amended) The computer readable medium of claim 7, wherein the user interface according to Claim 7, is characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction, and that the speed of the movement of said marking is lower than the speed of the movement of said object.

10. (Currently Amended) The computer readable medium of claim 9, wherein the user interface according to Claim 9, is characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted,

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replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list, and if said object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list.

11. (Currently Amended) The computer readable medium of claim 10, wherein the user interface according to Claim 10, is characterised in, that if said object is removed from any first position on said display area and then replaced on any second position on said display area, said navigation can be continued from said second position.

12. (Currently Amended) The computer readable medium of claim 1, wherein the user interface according to Claim 1, is characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function, service or setting is closed or backed one step by moving said object from the right of said display area to the left of said display area.

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13. (Currently Amended) The computer readable medium of claim 1, wherein the user interface according to Claim 1, is characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, that said representation of said second function is positioned at the middle of said menu area, and that said representation of said third function is positioned at the right side of said menu area.

14. (Currently Amended) The computer readable medium of claim 1, wherein the user interface according to Claim 1, is characterised in, that said user interface is adapted to a touch sensitive area with a size that is in the order of 2-3 inches, and that said user interface is adapted to be operated by one hand, where said object can be a finger.

15. (Currently Amended) An enclosure adapted to cover a computer unit, said computer unit being adapted to read computer program code of a computer program stored on a computer readable medium, which code, when read, presents a user interface according to Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure.

16. (Previously Presented) The enclosure according to Claim 15, characterised in, that said enclosure is removable and exchangeable.

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17. (Original) A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1.

18. (Original) A computer readable medium according to Claim 17, characterised in, that said computer program product is adapted to function as a shell upon an operations system.

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REMARKS

Reconsideration of this application is respectfully requested.

Claims 1-18 are pending in the application. Upon entry of this amendment, claims 1-15 will be amended.

In the outstanding Office Action of May 24, 2007, the Examiner rejected claims 1-16, under 35 U.S.C. §101, as being directed to non-statutory subject matter, arguing that the claimed user interface “is simply nonfunctional descriptive material *per se*, and therefore lacks actual data structure to be considered statutory.” 5/24/07 Office Action, p. 2. The Examiner’s rejection is respectfully traversed.

Annex IV, titled “Computer-Related Non-Statutory Subject Matter”, of the “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility”, published in the November 22, 2005 Official Gazette of the United States Patent and Trademark Office defines both “functional descriptive material” and “non-functional descriptive material”. “Functional descriptive material” is defined by Annex IV as material consisting of data structures and computer programs which impart functionality when employed as a computer component. A “data structure” is defined by Annex IV as a physical or logical relationship among data elements, designed to support specific data manipulation functions, quoting The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993). In contrast, “non-functional descriptive material” is defined by Annex IV as including, but not being limited to, music, literary works and a compilation or mere arrangement of data. A copy of Annex IV from

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the November 22, 2005 OG Notice is submitted with this Amendment as Attachment A to this Amendment.

Claim 1 of the present application, the only independent claim in the present application, has now been amended to recite a computer readable medium storing a computer program with computer program code, which code, when read by a mobile handheld computer unit, makes it possible for the computer to present a user interface for the computer that is described in claim 1 of the present application. The user interface, which is divided into a menu area and a display area, simultaneously presents, in the menu area, a first function that is a general application dependent function, a second function that is a keyboard function, and a third function that is a task and file manager. The touch sensitive user interface allows these functions to be activated by a single step of an object moving in a direction from a starting point that is a representation of the function in the menu area to the display area, thereby allowing a user to use the computer with a single hand and activate the recited functions with a blunt object, such as a finger. Clearly, in its amended form, claim 1 recites functional material. Claims 2-14 have been amended to conform them to amended claim 1. In addition, claim 15 has been amended to recite that the computer unit recited in the claim is adapted to read computer program code of a computer program stored on a computer-readable medium, which code, when read, presents the user interface of claim 1. As such, applicant believes that claims 1-16 now recite statutory subject matter, and that the Examiner's rejection of claims 1-16 under §101 should now be withdrawn. Support for the foregoing amendments to claims 1-15 appear at least at page 1, lines 12-15 of the specification of the present application.

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In the outstanding Office Action, the Examiner also rejected , as being unpatentable under 35 U.S.C. §103(a), claims 1, 4-7, 12, 15 and 17 over Carlson (“Carlson”, Carlson, Jeff. Visual Quickstart Guide Palm Organizers, Peachpit Press. 2000. Berkely, CA.) in view of Haitini *et al.* (USP 5,900,875) and further in view of Venolia *et al.* (“Venolia”, T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet), claims 2 and 3 over Carlson, Haitini *et al.* and Venolia *et al.* in view of Kopitzke *et al.* (USP 6,988,246 B2), claim 8-11 over Carlson in view of Haitini *et al.* in view of Venolia, in view of Wynn *et al.* (USP 6,734,833 B1), claim 13 over Carlson in view of Haitini in view of Venolia, claims 14 and 16 over Carlson, Haitini *et al.* and Venolia in view of Strietelmeier (“Strietelmeier, Julia “Palm m100. The Gadgeteer. 2000. http://www.the-gadgeteer.com/review/palm_m100_review>), and claim 18 over Carlson in view of Chew *et al.* (USP 6,727,917), Haitani *et al.* and Venolia *et al.* The Examiner’s rejections are respectfully traversed.

Assuming, *arguendo*, that the Examiner properly combined the cited references, the resulting combination would still not be the claimed invention because such references do not disclose or suggest all of the limitations of the claimed invention. Specifically, claim 1 of the present application, the only independent claim pending in the application and the one claim from which claims 2 – 18 depend, either directly or indirectly, recites a user interface for a hand held computer unit that includes a touch sensitive area simultaneously divided into a menu area and a display area, with the menu area simultaneously presenting a first function that is a general application dependent function, a second function that is a keyboard function, and a third function that is a task and file manager. Claim 1 also recites that each of the three functions

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simultaneously presented in the menu area are activated by the single step of an object moving in a direction from a starting point that is the representation of the function in the menu area to the display area being detected by the touch sensitive area, thereby allowing low precision navigation of the user interface using a blunt object, so that the user interface can be operated by one hand, where the blunt object is a finger. One embodiment of the three functions recited in claim 1 is described in the specification of the present application in reference to Figures 3, 5 and 6, respectively, of the present application.

The three functions simultaneously represented in the menu area and activated by a touch sensitive area detecting the single step of an object moving in a direction from a starting point that is the representation of the function in the menu area to a display area, as recited in independent claim 1, are not described in the primary Carlson reference, the secondary Haitani reference or the tertiary Venolia reference cited by the Examiner in the claim rejections set forth in the outstanding Office Action. Given these deficiencies in the cited references, discussed below, it must be concluded that claims 1 – 18 of the present application are not obvious over the cited references.

In the outstanding Office Action, the Examiner recognized that Carlson fails to disclose the first, second and third functions recited in independent claim 1 of the present application, 5/24/07 Office Action, p. 4, as argued by applicant in the Amendment After Final Rejection previously filed on March 15, 2007. In an effort to overcome this deficiency in the teaching of Carlson, the Examiner points to the Haitani patent as disclosing a “menu area being adapted to simultaneously present representations of a first function that is a general application-dependent

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function (Figure 1, items 151, 153), a second function that is a keyboard function (Figure 1, item 145) and a third function that is a task and file manager (Figure 1, item 141).” 5/24/07 Office Action, p. 4. A review of Haitani reveals, however, that this patent does not disclose the first, second and third functions recited in independent claim 1, as argued by the Examiner.

Haitani discloses a portable computer system 100 that is shown in Figure 1 of Haitani. The computer system 100 shown in Figure 1 includes a screen display area 181 that is used to display information to a user. Haitani, col. 2, lns. 40 – 42. Below the display area 181 is a user input area 183. Haitani, col. 2, ln. 45. The user input area 183 is used to input text in the Graffiti® writing area 145 and interact with the application buttons 141 through 144. Haitani, col. 2, lns. 45 – 48. Both the screen display area and the user input area 183 are covered by a digitizer pad that can detect user interaction with a stylus or finger. Haitani, col. 2, lns. 42 – 44 and 48 – 49. Below the area 183 is a mechanical button input area 185 that includes seven different mechanical buttons 121, 123, 125, 127, 129 and 131. Haitani, col. 2, lns. 50-53. Thus, it should first be noted that items 141, 145 and 151 and 153 are not all located in the same menu area, as are the representations of the three functions recited in claim 1 of the present application.

Haitani describes the seven mechanical buttons as including “[a] pair of scrolling buttons 131 that are used to scroll information in the display area 181 up and down.” Haitani, col. 2, lns. 64 – 65. Haitani also states that “[t]he scrolling buttons 141 [sic] allow a user to view a list of information that does not fit on the display.” Haitani, col. 2, lns. 65 – 67. This last statement appears to conflict with the earlier description of item 141 as being one of the application buttons 141 through 144 located in Graffiti® writing area 145. Indeed, item 141 is not shown in Figure 1

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as a pair of buttons, but, rather, a single icon including an arrow symbol in a circle and the word “applications” underneath the arrow symbol and circle. *See* Haitani, Figure 1.

There is no description in Haitani of the items 151 and 153 shown in the screen display area 181 of Figure 1 of Haitani and cited by the Examiner as being “a general application-dependent function (Figure 1, items 151, 153)”. 5/24/07 Office Action, p. 4. Thus, it is not clear how the Examiner has concluded that items 151 and 153 in Figure 1 represent the first function that is a general application-dependent function recited in claim 1 of the present application, particularly when Haitani does not even discuss items 151 and 153.

In addition, the “Graffiti® writing area” 145 shown in Figure 1 of Haitani is not the second, keyboard function recited in claim 1 of the present application. The Graffiti® writing area 145 is clearly not a keyboard, but rather an input area that is used to input written characters. *See, e.g.*, Attachment B to this Amendment.

Finally, as discussed above, item 141 is not the third, task and file manager function recited in claim 1, since it is described by Haitani as being part of the application buttons and shown in Figure 1 of Haitani as an icon including an arrow symbol in a circle and the word “applications” underneath the arrow symbol and circle.

Putting aside claim 1’s recitation that each of the three functions simultaneously presented in the menu area are activated by the single step of an object moving in a direction from a starting point that is the representation of the function in the menu area to the display area so as to be detected by the touch sensitive area, it is clear from the foregoing discussion of

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Carlson and Haitani these a combination of these two references would not result in the invention described in independent claim 1 of the present application.

In the outstanding Office Action, the Examiner also recognized that Carlson, even as modified by Haitani, still does not disclose the single step function activation feature recited in claim 1. 5/24/07 Office Action, pp. 4 and 5. To compensate for this deficiency, the Examiner next argues that “Venolia teaches activating by the single step of an object moving in a direction from a starting point that is representation [sic] of the function in the menu area to the display area (Column 2, flick gestures)”, described in column 2 of Venolia. It should be noted here that claim 1 of the present application recites not just a step of an object moving in a given direction for activation, but, rather, that each of the three functions recited in claim 1 are activated by the single step of an object moving in a direction from a starting point that is the representation of the function in the menu area to the display area, which is detected by touching the sensitive area, thereby allowing low precision navigation of a user interface using a blunt object, such as a finger, so that the user interface can be operated by one hand.

Contrary to the Examiner’s assertion, Venolia does not disclose activating various functions in a computer by the single step of moving an object in a direction from a starting point that is a representation of a selected function in a menu area to a display area, as recited in independent claim 1 of the present application. Rather, Venolia discloses a technique for entering text to a pen-based computer based on a “new alphabet” where each letter in the alphabet is entered using a flick gesture. The flick gestures are self-disclosing using prime

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menus. There is an assignment of characters to the gestures used with the pen-based computer disclosed in Venolia.

The method of entering text using a pen and flick gestures described in Venolia is identified as "T-Cube". Venolia does describe as part of T-Cube the use of a flick gesture with a starting point and a direction. The user presses the pen in one of nine target cells so that a pie menu appears offset from the pen. The direction of the flick of the pen can be vertical, horizontal or directional, specifying one of eight directions. A combination of these eight directions and nine starting cells in a pie menu yields 72 different gestures, with each gesture representing a character, such as "w" or "7", or an operation, such as a backspace, return or shift. Thus, the pen movements described in Venolia are not intended to activate a function, but, rather, to enter characters in a small computer. The flick gestures described in Venolia do not describe a single step of an object moving in a direction from a starting point that is the representation of one of several functions in a menu area to a display area to activate a selected function, as recited in independent claim 1 of the present application. Thus, it is clear that the combination of Carlson, Haitani and Venolia does not result in the invention described in independent claim 1 of the present application.

The other additional references cited by the Examiner do not compensate for the deficiencies in the Carlson, Haitani and Venolia references discussed above.

Kopitzke *et al.* discloses a monitoring and control device includes a touch sensitive LCD screen, with a basic layout including a display area and touch sensitive keys depicted with associated system and function symbols. A main menu or any one of plural system menus can be

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selectively displayed in the display area. The system menus relate to cabin systems such as audio, lighting, and water systems. The selected system menu displays status information and touch input keys for the user to monitor the status and to select and control the operation of the system. The main menu is a top level window providing essential information regarding all of the cabin systems and allows a user to select any one of the system menus.

Wynn *et al.* discloses a graphical user interface control for entering a user selection from a list of possible selections in which the user can "spin" through a list of items shown on preview and postview option lists. The control allows the user to spin forwards and backwards, with a preview list of items and a postview list of items being displayed on opposing sides of the currently selected item dialog box. By providing visibility to the upcoming and recently past selections during the spin, a user can operate the spin control at a higher speed, thereby reducing the amount of time necessary to find the desired item on the list.

Chew *et al.* discloses a hand-held computing device user interface that displays information for an active application program in a middle portion of the screen, and displays a shell program controlled navigation bar at a top portion of the screen. The navigation bar includes a navigation icon which, when tapped by the stylus, aids the user in navigating to other application programs. The navigation bar also includes a title for the active application program to save vertical real estate on the screen. The user interface also displays an application menu bar at a bottom portion of the screen so that the user can manipulate data from the active application by tapping menu items with a stylus without blocking view of the middle portion of the display.

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The Gadgeteer article by Strietelmeier is a review of the Palm m100. The article talks about the Palm m100 having a cheaper feel than the prior Palm IIIc. It also talks about new features on the m100, such as an integrated flip cover, a small window that allows viewing of time and date when the up hardware scroll button is pressed, the removability of the flip cover for use of different color face plates, large and separate up/down scroll buttons, a smaller plastic LCD display, an IR port for beaming files back and forth to other Palm devices, a battery door, reset switch, stylus silo and hot sync port on the back of the unit, a louder internal speaker, limited RAM of 2MB, use of AAA batteries to power the device, and changes to the m100 software, such as the addition of a notepad application and a clock application and the removal of mail or expense applications.

Thus, it is clear that independent claim 1 of the present application is not obvious over the references of record cited by the Examiner in the outstanding Office Action of May 24, 2007. And, because independent claim 1 is not obvious over such references, dependent claims 2-18, which depend either directly or indirectly from claim 1, are also not obvious over such references.

In view of the foregoing, it is believed that all of the claims pending in the application, *i.e.*, claims 1 – 18, are now in condition for allowance, which action is earnestly solicited. If any

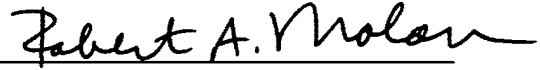
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issues remain in this application, the Examiner is urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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United States Patent and Trademark Office OG Notices: 22 November 2005**Interim Guidelines for Examination of Patent Applications
for Patent Subject Matter Eligibility**

In the mid-1990's, the USPTO sought to clarify the legal requirements for statutory subject matter with regard to computer-related inventions. See Examination Guidelines for Computer Related Inventions, 61 Fed. Reg. 7478 (1996). Subsequent to the publication of those guidelines, the Court of Appeals for the Federal Circuit issued opinions in *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998) and *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 50 USPQ2d 1447 (Fed. Cir. 1999). These decisions explained that, to be eligible for patent protection, the claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." *State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Since this time, the USPTO has seen increasing numbers of applications outside the realm of computer-related inventions that raise subject matter eligibility issues. In order to assist examiners in identifying and resolving these issues, the USPTO is issuing these interim examination guidelines to assist USPTO personnel in the examination of patent applications to determine whether the subject matter as claimed is eligible for patent protection.

The principal objective of these guidelines is to assist examiners in determining, on a case-by-case basis, whether a claimed invention falls within a judicial exception to statutory subject matter (i.e., is nothing more than an abstract idea, law of nature, or natural phenomenon), or whether it is a practical application of a judicial exception to statutory subject matter. The guidelines explain that a practical application of a 35 U.S.C. Sec. 101 judicial exception is claimed if the claimed invention physically transforms an article or physical object to a different state or thing, or if the claimed invention otherwise produces a useful, concrete, and tangible result.

I. INTRODUCTION

These Examination Guidelines ("Guidelines") are based on the USPTO's current understanding of the law and are believed to be fully consistent with binding precedent of the Supreme Court, the Federal Circuit and the Federal Circuit's predecessor courts.

These Guidelines do not constitute substantive rulemaking and hence do not have the force and effect of law. These Guidelines have been designed to assist USPTO personnel in analyzing claimed subject matter for compliance with substantive law. Rejections will be based upon the substantive law and it is these rejections which are appealable. Consequently, any failure by USPTO personnel to follow the Guidelines is neither appealable nor petitionable.

The Guidelines set forth the procedures USPTO personnel will follow when examining applications. USPTO personnel are to rely on these Guidelines in the event of any inconsistent treatment of issues between these Guidelines and any earlier provided guidance from the USPTO.

Inquiries concerning these Interim Guidelines may be directed to Linda Therkorn, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at 571-272-8800, or Ray Chen, Office of the Solicitor, by

claim would be found to be statutory.

The Federal Circuit held that the mere manipulations of abstract ideas are not patentable. Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58. If a claimed process manipulates only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the claim is not being applied to appropriate subject matter. Schrader, 22 F.3d at 294-95, 30 USPQ2d at 1458-59. The Federal Circuit also recognizes that the fact that a nonstatutory method is carried out on a programmed computer does not make the process claim statutory. Grams, 888 F.2d at 841, 12 USPQ2d at 1829 (claim 16 ruled nonstatutory even though it was a computer-implemented process).

In addition, the Federal Circuit has recently noted that a "structural inquiry is unnecessary" when determining whether a process claim is eligible for patent protection. AT&T, 172 F.3d at 1359, 50 USPQ2d at 1452.

Thus, a finding that a claim fails to recite a computer-implemented process is not determinative in whether that claim passes muster under Sec. 101. Therefore, USPTO personnel should no longer rely on the machine implemented test to determine whether a claimed invention is directed to statutory subject matter.

e. Per Se Data Transformation Test

Identifying that a claim transforms data from one value to another is not by itself sufficient for establishing that the claim is eligible for patent protection. See, e.g., Benson, 409 U.S. 63, 175 USPQ 673 (finding machine-implemented method of converting binary-coded decimal numbers into pure binary numbers unpatentable). In Benson, the claims invention was held to be merely a series of mathematical calculations having "no substantial practical application." Id. at 71, 175 USPQ at 676. Therefore, claims that perform data transformation must still be examined for whether there is a practical application of an abstract idea that produces a useful, concrete, and tangible result.

ANNEX IV Computer-Related Nonstatutory Subject Matter

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se. Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare In re Lowry, 32 F.3d 1579, 1583-84, 32

USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and Warmerdam, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in Benson were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Such a result would exalt form over substance. In re Sarkar, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978) ("[E]ach invention must be evaluated as claimed; yet semantogenic considerations preclude a determination based solely on words appearing in the claims. In the final analysis under Sec. 101, the claimed invention, as a whole, must be evaluated for what it is.") (quoted with approval in Abele, 684 F.2d at 907, 214 USPQ at 687). See also In re Johnson, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) ("form of the claim is often an exercise in drafting"). Thus, nonstatutory music is not a computer component and it does not become statutory by merely recording it on a compact disk. Protection for this type of work is provided under the copyright law.

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory and should be rejected under 35 U.S.C. Sec. 101. In addition, the examiner should inquire whether there should be a rejection under 35 U.S.C. Sec. 102 or 103. The examiner should determine whether the claimed nonfunctional descriptive material be given patentable weight. The USPTO must consider all claim limitations when determining patentability of an invention over the prior art. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983). The USPTO may not disregard claim limitations comprised of printed matter. See Gulack, 703 F.2d at 1384, 217 USPQ at 403; see also Diehr, 450 U.S. at 191, 209 USPQ at 10. However, the examiner need not give patentable weight to printed matter absent a new and unobvious functional relationship between the printed matter and the substrate. See In re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994); In re Ngai, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004).

(a) Functional Descriptive Material: "Data Structures"
Representing Descriptive Material Per Se or Computer Programs
Representing Computer Listings Per Se

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional

interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions.

Computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program. Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material per se and hence nonstatutory. Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and USPTO personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material. When a computer program is claimed in a process where the computer is executing the computer program's instructions, USPTO personnel should treat the claim as a process claim. See paragraph IV.B.2(b), below. When a computer program is recited in conjunction with a physical structure, such as a computer memory, USPTO personnel should treat the claim as a product claim. See paragraph IV.B.2(a), below.

(b) Nonfunctional Descriptive Material

Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. Sec. 101. Certain types of descriptive material, such as music, literature, art, photographs and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. Sec. 101. The presence of the claimed nonfunctional descriptive material

is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping of musical notes read from memory and upon recognizing that particular sequence, causes another defined series of notes to be played, defines a functional interrelationship among that data and the computing processes performed when utilizing that data, and as such is statutory because it implements a statutory process.

(c) Electro-Magnetic Signals

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

First, a claimed signal is clearly not a "process" under Sec. 101 because it is not a series of steps. The other three Sec. 101 classes of machine, compositions of matter and manufactures "relate to structural entities and can be grouped as 'product' claims in order to contrast them with process claims." 1 D. Chisum, Patents Sec. 1.02 (1994). The three product classes have traditionally required physical structure or material.

"The term machine includes every mechanical device or combination of mechanical device or combination of mechanical powers and devices to perform some function and produce a certain effect or result." Corning v. Burden, 56 U.S. (15 How.) 252, 267 (1854). A modern definition of machine would no doubt include electronic devices which perform functions. Indeed, devices such as flip-flops and computers are referred to in computer science as sequential machines. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine.

A "composition of matter" "covers all compositions of two or more substances and includes all composite articles, whether they be results of chemical union, or of mechanical mixture, or whether they be gases, fluids, powders or solids." Shell Development Co. v. Watson, 149 F. Supp. 279, 280, 113 USPQ 265, 266 (D.D.C. 1957), aff'd, 252 F.2d 861, 116 USPQ 428 (D.C. Cir. 1958). A claimed signal is not matter, but a form of energy, and therefore is not a composition of matter.

The Supreme Court has read the term "manufacture" in accordance with its dictionary definition to mean "the production of articles for use from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery." Diamond v. Chakrabarty, 447 U.S. 303, 308, 206 USPQ 193, 196-97 (1980) (quoting American Fruit Growers, Inc. v. Brogdex Co., 283 U.S. 1, 11, 8 USPQ 131, 133 (1931), which, in turn, quotes the Century Dictionary). Other courts have applied similar definitions. See American Disappearing Bed Co. v. Arnaelsteen, 182 F. 324, 325 (9th Cir. 1910), cert. denied, 220 U.S. 622 (1911). These definitions require physical substance, which a claimed signal does not have. Congress can be presumed to be aware of an administrative or judicial interpretation of a statute and to adopt that interpretation when it re-enacts a statute without change. Lorillard v. Pons, 434 U.S. 575, 580

(1978). Thus, Congress must be presumed to have been aware of the interpretation of manufacture in American Fruit Growers when it passed the 1952 Patent Act.

A manufacture is also defined as the residual class of product. 1 Chisum, Sec. 1.02[3] (citing W. Robinson, The Law of Patents for Useful Inventions 270 (1890)). A product is a tangible physical article or object, some form of matter, which a signal is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of Sec. 101.

On the other hand, from a technological standpoint, a signal encoded with functional descriptive material is similar to a computer-readable memory encoded with functional descriptive material, in that they both create a functional interrelationship with a computer. In other words, a computer is able to execute the encoded functions, regardless of whether the format is a disk or a signal.

These interim guidelines propose that such signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101. Public comment is sought for further evaluation of this question.

ANNEX 5 Mathematical Algorithms

Claims to processes that do nothing more than solve mathematical problems or manipulate abstract ideas or concepts are complex to analyze and are addressed herein.

If the "acts" of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter. Benson, 409 U.S. at 71-72, 175 USPQ at 676. Thus, a process consisting solely of mathematical operations, i.e., converting one set of numbers into another set of numbers, does not manipulate appropriate subject matter and thus cannot constitute a statutory process.

In practical terms, claims define nonstatutory processes if they:

- consist solely of mathematical operations without some claimed practical application (i.e., executing a "mathematical algorithm"); or
- simply manipulate abstract ideas, e.g., a bid (Schrader, 22 F.3d at 293-94, 30 USPQ2d at 1458-59) or a bubble hierarchy (Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759), without some claimed practical application.

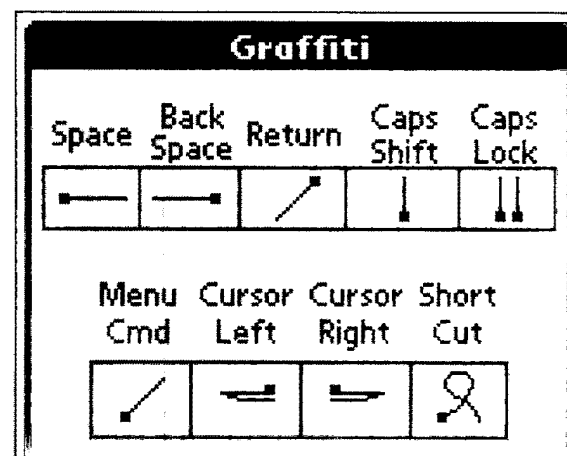
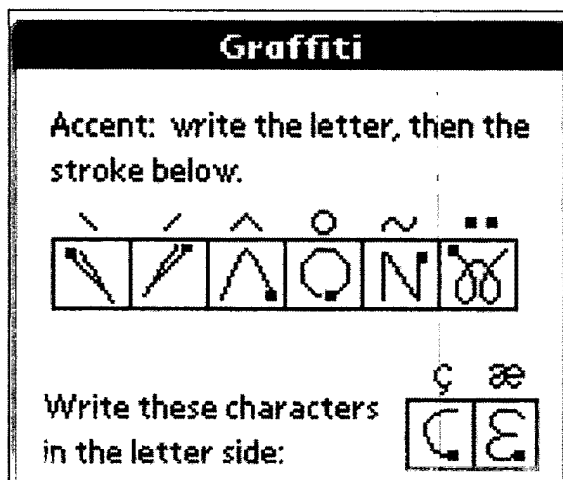
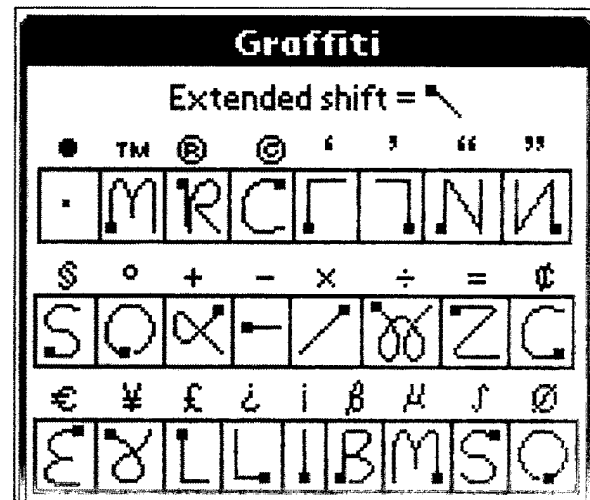
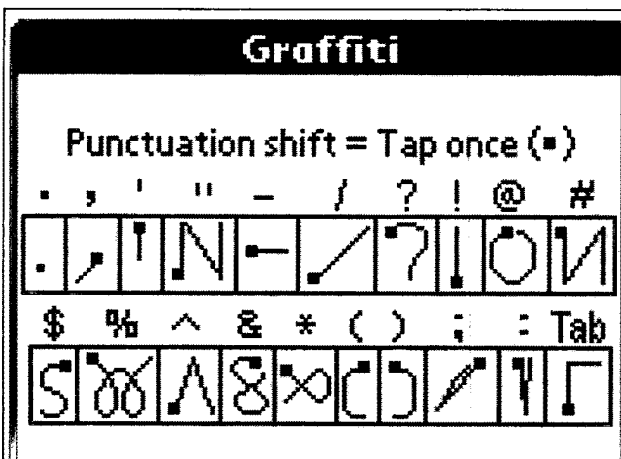
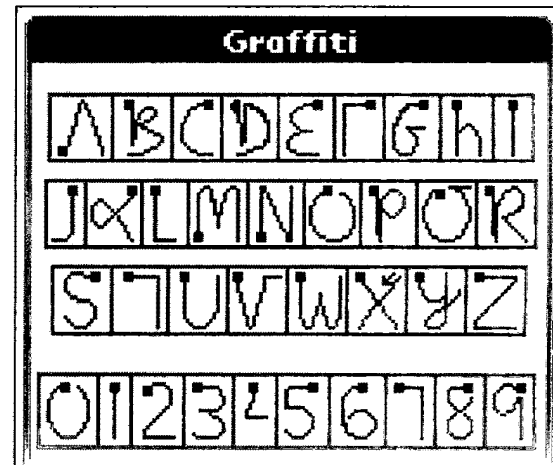
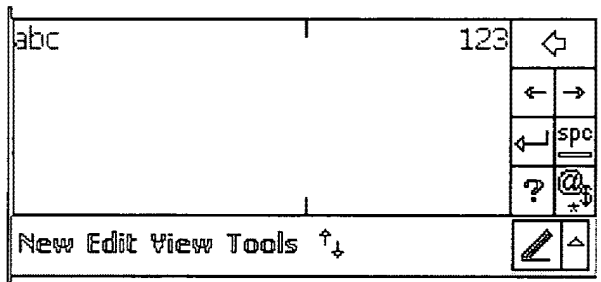
Cf. Alappat, 33 F.3d at 1543 n.19, 31 USPQ2d at 1556 n.19 in which the Federal Circuit recognized the confusion:

The Supreme Court has not been clear . . . as to whether such subject matter is excluded from the scope of Sec. 101 because it represents laws of nature, natural phenomena, or abstract ideas. See Diehr, 450 U.S. at 186 (viewed mathematical algorithm as a law of nature); Gottschalk v. Benson,

Writers Guide to the Pocket PC and Palm

Graffiti Writing Guide

Block Recognizer on the Pocket PC uses Palm Graffiti. Letters go in the left block and numbers are written in the right block



Writers Guide to the Pocket PC and Palm**Graffiti 2**

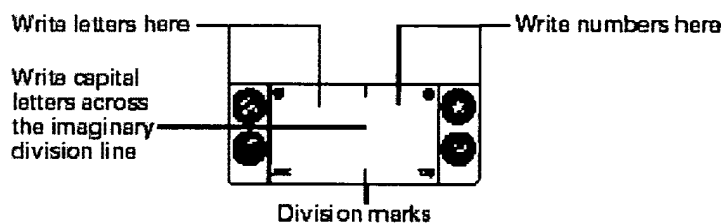
The latest version of Graffiti, that comes on the Palm Tungsten T3 and higher, is a slight modification of the original Graffiti.

Draw letters on LEFT side of Graffiti 2 writing area			
Letter	Strokes	Letter	Strokes
A		B	
C		D	
E		F	
G		H	
I		J	

Draw letters on LEFT side of Graffiti 2 writing area			
Letter	Strokes	Letter	Strokes
K		L	
M		N	
O		P	
Q		R	
S		T	
U		V	
W		X	
Y		Z	

Draw these marks on LEFT side of Graffiti 2 writing area			
Mark	Stroke	Mark	Stroke
Period		Ampersand &	
Comma		Carriage return	
Apostrophe		At @	
Space		Straight quotes	
Question ?		Tab	
Exclamation !			

Draw numbers on RIGHT side of Graffiti 2 writing area			
Number	Strokes	Number	Strokes
0		1	
2		3	
4		5	
6		7	
8		9	

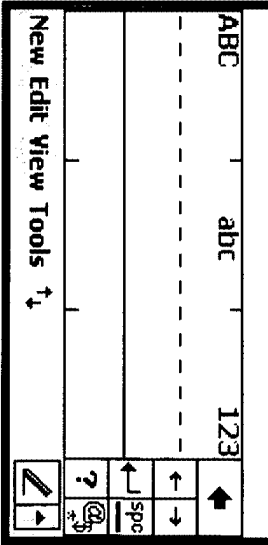


Palm devices only

Draw these marks on RIGHT side of Graffiti 2 writing area			
Mark	Stroke	Mark	Stroke
Period		Backslash \	
Comma		Slash /	
Tilde ~		Left Paren (
Dash -		Right Paren)	
Plus +		Equal =	
Asterisk *			

Writers Guide to the Pocket PC and Palm Jot Users Guide

Letter Recognizer on the PocketPC recognizes many variations of character input similar to the Palm program Jot. Capital letters go in the first block, lowercase letters in the middle, and numbers on the right.



Write numbers and the following symbols to the right of the mode marks.

0	1	2	3	4
5	6	7	8	9
period	comma	dash		
asterisk	=	plus		
()			

To enter lowercase letters, write the following shapes to the left of the mode mark. To enter uppercase letters, write the same character shape across the mode mark.

a	b	c	d	e
f	g	h	i	j
k	l	m	n	o
p	q	r	s	t
U	V	W	X	y
Z				

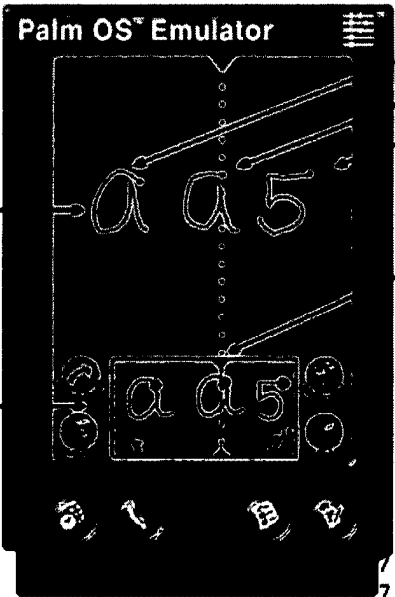
period	comma
copy	return
cut	paste
undo	tab
space	b space

Quick Tips:

- To enable Jot. Tap the JOT icon in the Applications Launcher and ensure that ENABLE JOT is checked. Also ensure that JOT is selected.
- Refer to the online tutorial for writing additional characters and symbols.
- To select text when writing in full screen hold down the stylus, pause, then drag it over the text.
- Disable Jot before removing it from the device

Jot® for Palm OS Quick Start Card

Write in full screen or box mode



- Lowercase
- Uppercase
- Numbers and punctuation
- Mode mark



Writers Guide to the Pocket PC and Palm

a	aaAA	l	l l L	w	W	double quote	” ”
b	bbBB	m	m m	x	X ²	tab	⌵
c	C	n	hNN	y	y y	space	—
d	ddDD	o	oo	z	Z z	backspace	←
e	eE	p	pp	period	. or \ *	new line	/
f	f f f'	q	q q	comma	,	cut	✂
g	ggGG	r	r R R	apostrophe	'	copy	⌵
h	h h h	s	S	question	'?	paste	⌵
i	i i i	t	t t t	exclamation	!	undo	↶
j	j j j j	u	u u	ampersand	& &	command	/
k	K ² k k	v	V U	at	@		

* • or •• is written in the writing area.

\ or \ \ is used when writing on the display.

Write numbers and the following symbols to the right of the division marks.

0	0 0	6	6	dash	—	(⌵
1	1 4	7	7	tilde	~)	⌵
2	2 2	8	8 8	+	+	=	≡
3	3	9	9 9	*	X ²	backspace	←
4	4 ² 4 4	period	. or \ *	/	/		
5	5 ²	comma	,	\	\		

Write accent marks to the right of the division marks after writing an upper or lower case letter.

à	\	â	^	ä	•• or \ \ *
á	/	ã	~	å	o

Writers Guide to the Pocket PC and Palm**Jot Special characters**

.	•	:	:	□	⊗	®	Ⓜ
,	└┐	=	=	«	◀	©	Ⓒ
'	└┐	#	##	»	▶	^	^
-	—	*	✕ ✱	“	..	§	§
—	—•	&	£ &	—	—	¢	¢
~	N	Æ	Æ	•	•—	‡	‡
@	@ @	æ	æ	└	└
<	<	ç	ç	`	`	•	•
>	>	ç	ç	'	'	-	---
((°	°		—	—	----
))	°	°	-	- /	<	<
	[,		™	∇ M	>	>
]	¿	¿	œ	œ	f	f
}	}	i	i	œ	œ	š	š
{	{	p	p	‰	‰	š	š
		P	P	†	†	^	^
!	!	D	D	1	1	~	~
?	?	ø	ø	2	2	'	'
\$	\$ \$	ø	ø	3	3	'	'
%	%	ø	ø	±	±	“	“
/	/	B	B	×	×	”	”
\	\	μ	μ	÷	÷	,	,
”	”	¥	¥	¼	¼	„	„
+	+	£	£	½	½	€	€
;	; ¹ ; ²	¶	¶	¾	¾		



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	3682-32	1226

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EXAMINER

PITARO, RYAN F

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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05/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/315,250

Applicant(s)

GOERTZ, MAGNUS

Examiner

Ryan F. Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Application/Control Number: 10/315,250
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DETAILED ACTION

Response to Amendment

This communication is responsive to the Amendment filed 3/15/2007.

Claims 1-18 are pending in this application. Claims 1, 15 and 17 are independent claims. In the Amendment the Specification and the Claims were amended. Claims 1-18 were amended.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A graphical user interface is simply non functional descriptive material per se, and therefore lacks an actual data structure to be considered statutory. To be an actual data structure it must be a physical or logical relationship among data elements designed to support specific data manipulation functions.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, 12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.) in view of Haitani et al ("Haitani", US 5,900875) in view of Venolia et al ("Venolia", T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet).

1. As per claim 1, Carlson teaches a user interface for a mobile handheld computer unit (Introduction, page xiii), where said computer unit comprises a touch sensitive area (page 26, *the screen is touch sensitive*), that is simultaneously divided into a menu area (page 12, fig. 1.10 *silk screen graffiti area*) and a display area, the computer unit is being adapted to run several applications simultaneously (page 47, *all of the applications are running concurrently*), and to present an active application on top of any other application on said display area, characterised in, that said menu area is adapted to present a representation of a first, a second and a third predefined function, that said first function is a general application dependent function (page 28, *the Menu icon*, fig. 2.4), that said second function is a keyboard function (page 30, *either the abc*

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or 123 dots in the lower corner of the Graffiti area), that said third function is a task and file manager (page 47, *the Applications screen & fig. 2.35*), and that any one of said three functions can be activated when said touch sensitive area detects a movement of an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area (page 40, *bottom-to-top screen stroke shortcut fig. 2.22 & page 30, drag the stylus vertically across the screen from bottom to top*), said user interface allowing low precision navigation using a blunt object, whereby said user interface can be operated by one hand (page 12, *"The stylus is the main method of interacting with the PalmPilot" and it inherently involves one hand to use the stylus*. Also, if a finger was used, that would also be considered using one hand), where said blunt object is a finger (page 12, *"The stylus is the main method of interacting" though anything including fingers can work*). Carlson fails to distinctly point out simultaneously displaying a first, second, and third function.

However, Haitani teaches the menu area being adapted to simultaneously present representations of a first function that is a general application dependent function (Figure 1 items 151,153), a second function that is a keyboard function (Figure 1 item 145) and a third function that is a task and file manager (Figure 1 item 141). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Haitani with the interface of Carlson. Motivation to do so would have been to provide ^{a way} ~~away~~ to view information that does not fit on the display. The modified Carlson still does not explicitly point out activation by a single step of an object moving in a direction on the touch sensitive area. However, Venolia teaches activating by the single

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step of an object moving in a direction from a starting point that is representation of the function in the menu area to the display area (Column 2, flick gestures). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Venolia with the modified Carlson. Motivation to do so would have been to provide a fast way of selecting functions.

2. As per claim 4, the modified Carlson teaches the user interface according to claim 1, characterised in,

that, if said second function is activated, said display area is adapted to display a keyboard and a text field,

that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and

that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard (Carlson, page 30, fig 2.7).

3. As per claim 5, the modified Carlson teaches the user interface according to claim 4, characterized in, that if no text passage in said active application is highlighted, and said text field is used for inputting and editing of text through said keyboard (Carlson, page 30, fig 2.7), then

said first function can be activated, or

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said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function,

in which said first function will present services or settings available for said inputted text (Carlson, page 28, fig. 2.4 *Beam Memo*).

4. As per claim 6, the modified Carlson teaches the user interface according to claim 1, characterised in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file (Carlson, page 47, fig. 2.35).

5. As per claim 7, the modified Carlson teaches the user interface according to claim 6, characterised in, that a selection of an application or a file is done by moving said object so that the representation of desired application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area, and that an application or file is highlighted by placing some kind of marking on the representation of said application or file (Carlson, pages 26 & 27).

6. As per claim 12, the modified Carlson teaches the user interface according to Claim 1, characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function service or setting is closed or

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backed one step by moving said object from the right of said display area to the left of said display area (Carlson, page 246, fig. 14.2, *Drag to scroll through file*).

7. As per claim 15, the modified Carlson teaches an enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure (Carlson, page 12, *Silkscreen Graffiti area* & fig. 1.10).

8. As per claim 17, the modified Carlson teaches a computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1 (Carlson, page 25, *Palm OS*).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.), Haitani et al ("Haitani", US 5,900,875), and Venolia et al ("Venolia", T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet) in view of Kopitzke et al. ("Kopitzke", US # 6,988,246 B2).

9. As per claim 2, the modified Carlson teaches the user interface according to claim 1, characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application (Carlson, page 28, *the Menu icon*, fig. 2.4), and that, if no

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application is currently active on said computer unit, said icons are adapted to represent services or settings of the operations system of said computer unit (Carlson, page 47, fig. 2.36, 12:11 am).

However the modified Carlson does not teach expressly the user interface according to claim 1, characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application.

Kopitzke teaches the user interface according to claim 1, characterised in, that said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application (column 4, lines 36-53 & fig. 1, *Help key or button 6*).

The modified Carlson and Kopitzke are analogous art because they are in the same field of endeavor, namely graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide the help function as taught by Kopitzke within the user interface of the modified Carlson in order to provide context sensitive information.

As per claim 3, the modified Carlson teaches the user interface according to claim 2, characterised in, that a selection of a preferred service or setting is done by tapping on corresponding icon (Carlson, page 26, fig. 2.1 *Tapping just about any interface element in the Palm OS evokes a response*).

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Claims 8-11 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.), Haitani et al ("Haitani", US 5,900,875), and Venolia et al ("Venolia", T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet) in view of Wynn et al. ("Wynn", US # 6,734,883 B1).

10. As per claim 8, the modified Carlson teaches the user interface according to claim 7. However the modified Carlson does not teach expressly the user interface, characterised in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

Wynn teaches a user interface control, characterised in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered (column 3, lines 4-8, *dialog box 32*), that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation (column 3, lines 4-8, *label 31*) of a file manager and a selection of said field will cause said list to alter and present only files (column 3, lines 15-31).

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The modified Carlson and Wynn are analogous art because they are in the same field of endeavor, namely scrolling within graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the selection list format as taught by Wynn within the user interface of the modified Carlson in order to provide a conventional list format.

11. As per claim 9, the modified Carlson teaches the user interface according to claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (Carlson, page 27, *a quicker way to view the full list is to tap and hold on the dark solid portion of the scroll bar, then drag it vertically*).

However the modified Carlson does not teach expressly that the speed of the movement of said marking is lower than the speed of the movement of said object.

Wynn teaches a user interface control, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (column 3, lines 32-39 & figs. 5) and that the speed of the movement of said marking is lower than the speed of the movement of said object (column 4, lines 24-30).

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the scrolling function as taught by Wynn within the user interface of the modified Carlson in order to provide a conventional selection list.

12. As per claim 10, the modified Carlson in view of Wynn teaches the user interface according to claim 9, characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list (Carlson, page 253, fig. 14.15 *Full Page Up*).

The modified Carlson in view of Wynn does not disclose expressly the user interface, characterised in that if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list.

At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the *Full Page Up* function (Carlson, page 253, fig 14.15) to work as a Full Page Down function by tapping on the bottom of the display area because Applicant has not disclosed that *if said object is*

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14. As per claim 13, the modified Carlson teaches the user interface according to Claim 1, characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, and that said representation of said second function is positioned at the middle of said menu area.

The modified Carlson does not teach expressly that said representation of said third function is positioned at the right side of said menu area.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to place the third function on the right side of the display area instead of the left, because Applicant has not disclosed that *said representation of said third function is positioned at the right side of said menu area* provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore would have expected Applicant's invention to perform equally well with the third function on the left side of the display area because the placement of the representation would not change its functionality.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA: Peachpit Press, 2000), Haitani et al ("Haitani", US 5,900,875), and Venolia et al ("Venolia", T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet) in view of Strietelmeier ("Strietelmeier", Strietelmeier, Julie. "Palm m100." The Gadgeteer. 2000. <http://www.the-gadgeteer.com/review/palm_m100_review>).

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positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the modified Full Page Up function as taught by Carlson because it would only need to be implemented to scroll down instead of up, when the display area is tapped on the bottom, instead of the top.

13. As per claim 11, the modified Carlson in view of Wynn teaches the user interface according to claim 10, characterised in, that if said object is removed from any first position on said display area and then replaced on any second position on said display area, said navigation can be continued from said second position (Carlson, page 253, fig. 14.15).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.) in view of Haitani et al ("Haitani", US 5,900,875) in view of Venolia et al ("Venolia", T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet).

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15. As per claim 14, the modified Carlson teaches the user interface according to Claim 1, characterised in, that said user interface is adapted to a touch sensitive area and that said user interface is adapted to be operated by one hand, where said object can be a finger (page 12, *stylus...includes fingers*).

However the modified Carlson does not teach expressly a touch sensitive area with a size that is in the order of 2-3 inches.

Strietelmeier teaches a user interface, characterised in, a touch sensitive area with a size that is in the order of 2-3 inches (page 4).

The modified Carlson and Strietelmeier are analogous art because they are in the same field of endeavor, namely palm-sized computer organizers.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the dimensions of a touch sensitive area as taught by Strietelmeier within the user interface of the modified Carlson in order to provide a touch sensitive area with the manufacturer's dimensions.

16. As per claim 16, the modified Carlson teaches the enclosure according to claim 15. However, the modified Carlson does not disclose the enclosure characterised in, that said enclosure is removable and exchangeable.

Strietelmeier teaches an enclosure characterised in, that said enclosure is removable and exchangeable (page 3, *you can also remove the entire face plate... there will be different face plates available*).

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the customizable enclosures as taught by Strietelmeier within the enclosure of the modified Carlson in order to tailor an enclosure to a user's preferences.

17. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA: Peachpit Press, 2000) in view of Chew et al. ("Chew", US # 6,727,917), Haitani et al ("Haitani", US 5,900,875), and Venolia et al ("Venolia", T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet).

As per claim 18, the modified Carlson teaches a computer readable medium according to claim 17.

However the modified Carlson does not teach expressly, that said computer program product is adapted to function as a shell upon an operations system.

Chew teaches a user interface for a palm-sized computer device, characterised in, that said computer program product is adapted to function as a shell upon an operations system (column 2, lines 1-5).

The modified Carlson and Chew are analogous art because they are in the same field of endeavor, namely graphical user interfaces for hand-held personal computing devices with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to further modify the modified Carlson program to function as shell as taught by Chew in order to efficiently display information.

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Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ryan Pitaro
Patent Examiner
Art unit 2174

RFP

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Notice of References Cited

Application/Control No.

10/315,250

Applicant(s)/Patent Under
Reexamination
GOERTZ, MAGNUS

Examiner

Ryan F. Pitaro

Art Unit

2174

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,900,875 A	05-1999	Haitani et al.	715/840
*	B	US-2002/0046353 A1	04-2002	Kishimoto, Toyooki	713/202
*	C	US-2002/0002326	01-2002	Causey et al.	600/300
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
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	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Venolia et al, "T-Cube: A Fast, Self-Disclosing Pen-Based Alphabet, April 24, 1994, Pages 265-270
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes

Application/Control No.

10/315,250

Examiner

Ryan F. Pitaro

Applicant(s)/Patent under
Reexamination

GOERTZ, MAGNUS

Art Unit

2174

SEARCHED

Class	Subclass	Date	Examiner
Update	Search	5/16/2007	RFP

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

		DATE	EXMR
Updated Search		5/17/2007	RFP
Internet, IEEE		5/17/2007	RFP

Index of Claims

Application/Control No.

10/315,250

Examiner

Ryan F. Pitaro

Applicant(s)/Patent under
Reexamination

GOERTZ, MAGNUS

Art Unit

2174

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date											
Final	Original	5/17/07											
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	3682-32	1226
23117	7590	03/20/2007		
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER PURCELL, IAN M	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 03/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/315,250	GOERTZ, MAGNUS	
	Examiner	Art Unit	
	Ian M. Purcell	2174	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Ian M. Purcell. (3) Robert A. Molan.
 (2) Kristine Kincaid. (4) _____

Date of Interview: 13 March 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____

Claim(s) discussed: Claim 1.

Identification of prior art discussed: Carlson.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed the proposed amendments to independent claim 1. The examiner will provide possible amendments to the claim language in order to clarify the claimed invention.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Kristine Kincaid
 KRISTINE KINCAID
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

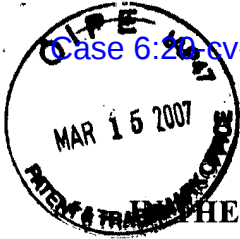
A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GOERTZ

Atty. Ref.: 5042-2
(Formerly 3682-32)

Serial No.: 10/315,250

Group: 2174

Filed: December 10, 2002

Examiner: Purcell, Ian M.

For: USER INTERFACE

* * * * *

March 15, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL REJECTION

Sir:

In response to the Final Office Action mailed November 15, 2006, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

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AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A user interface for a mobile handheld computer unit, ~~where said computer unit comprises~~ comprising:

a touch sensitive area, ~~which touch sensitive area is~~ that is simultaneously divided into a menu area and a display area,

~~where said the~~ computer unit is being adapted to run several applications simultaneously, and to present an active application on top of any other application on ~~said the~~ display area, characterised in, that

~~said the~~ menu area is being adapted to simultaneously present ~~a representations of a first, a second and a third predefined function, that said a first function that is a general application dependent function, that said a second function that is a keyboard function, that said and a third function that is a task and file manager, and~~

~~that any one of said each of the three functions simultaneously represented in the menu area can being activated when said by the single step of an object moving in a direction from a starting point that is the representation of the function in the menu area to the display area being detected by the touch sensitive area, detects a movement of an object moving with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area, said user interface thereby allowing low precision navigation of the user interface using a blunt object, whereby said so that the user interface can be operated by~~

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one hand, where ~~said~~ the blunt object ~~can be~~ is a finger.

2. (Previously Presented) The user interface according to Claim 1, characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a “help”-service, regardless of application, and that, if no application is currently active on said computer unit, said icons are adapted to represent services or settings of the operations system of said computer unit.

3. (Previously Presented) The user interface according to Claim 2, characterised in, that ~~that~~ a selection of a preferred service or setting is done by tapping on corresponding icon.

4. (Previously Presented) The user interface according to Claim 1, characterised in,
- that, if said second function is activated, said display area is adapted to display a keyboard and a text field,

- that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and

- that if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard.

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5. (Previously Presented) The user interface according to Claim 4, characterised in, that if no text passage in said active application is highlighted, said text field is used for inputting and editing of text through said keyboard, then

- said first function can be activated, or
- said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function,

in which said first function will present services or settings available for said inputted text.

6. (Previously Presented) The user interface according to Claim 1, characterised in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file.

7. (Previously Presented) The user interface according to Claim 6, characterised in, that a selection of an application or a file is done by moving said object so that the representation of desired application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area, and that an application or file is highlighted by placing some kind of marking on the representation of said application or file.

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8. (Previously Presented) The user interface according to Claim 7, characterised in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

9. (Previously Presented) The user interface according to Claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction, and that the speed of the movement of said marking is lower than the speed of the movement of said object.

10. (Previously Presented) The user interface according to Claim 9, characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is positioned at the bottom of said display area, then lifted,

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replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list, and if said object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list.

11. (Previously Presented) The user interface according to Claim 10, characterised in, that if said object is removed from any first position on said display area and then replaced on any second position on said display area, said navigation can be continued from said second position.

12. (Previously Presented) The user interface according to Claim 1, characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function, service or setting is closed or backed one step by moving said object from the right of said display area to the left of said display area.

13. (Previously Presented) The user interface according to Claim 1, characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, that said

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representation of said second function is positioned at the middle of said menu area, and that said representation of said third function is positioned at the right side of said menu area.

14. (Previously Presented) The user interface according to Claim 1, characterised in, that said user interface is adapted to a touch sensitive area with a size that is in the order of 2-3 inches, and that said user interface is adapted to be operated by one hand, where said object can be a finger.

15. (Previously Presented) An enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according to Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure.

16. (Previously Presented) The enclosure according to Claim 15, characterised in, that said enclosure is removable and exchangeable.

17. (Original) A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1.

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18. (Original) A computer readable medium according to Claim 17, characterised in, that said computer program product is adapted to function as a shell upon an operations system.

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REMARKS

Reconsideration of this application is respectfully requested. To this end, petition is hereby made for a one month extension of time to respond to the Final Office Action mailed November 15, 2006. In addition, a Request for Continued Examination is being filed with this Amendment After Final Rejection.

The Examiner and his Supervisory Primary Examiner, Kristine Kincaid, are thanked for allowing the undersigned to interview this application on March 13, 2007. The remarks in this Amendment, in essence, constitute the substance of the interview.

Claims 1-18 are pending in the application. Upon entry of this Amendment, independent claim 1 will be amended.

In the outstanding Final Office Action of November 15, 2006, the Examiner again rejected claims 1, 4-7, 12, 15 and 17 under 35 U.S.C. §102(b) as being anticipated by Carlson (Carlson, Jeff, *Visual Quickstart Guide Palm Organizers*, Peachpit Press, 2000, Berkeley, CA; hereinafter “Carlson”). The Examiner further rejected, as being unpatentable under 35 U.S.C. §103(a), claims 2 and 3 over Carlson in view of Kopitzke (USP 6,988,246; hereinafter “Kopitzke”); claims 8-11 and 13 over Carlson in view of Wynn et al. (USP 6,734,883; hereinafter Wynn); claim 13 over Carlson alone; claims 14 and 16 over Carlson in view of Strietelmeier (Strietelmeier, Julie, *Palm m100*, The Gadgeteer, 2000, http://www.the-gadgeteer.com/review/palm_m100_review; hereinafter Strietelmeier); and claim 18 over Carlson in view of Chew et al. (USP 6,727, 917; hereinafter Chew). The Examiner’s rejections are again respectfully traversed.

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For a claimed invention to be anticipated by a prior art reference, every element of the claim must be disclosed in the reference. For a claimed invention to be obvious over a combination of prior art references, there must be some suggestion, motivation or teaching in the prior art that would have led one of ordinary skill in the art to combine the references to produce the claimed invention. *E.g., Ashland Oil, Inc. v. Delta Resins & Refracs.*, 776 F.2d 281, 293 (Fed. Cir. 1985). Here, the claimed invention of the present application is neither anticipated nor obvious over the cited references because such references do not disclose or suggest all of the limitations of the claimed invention. Even assuming, *arguendo*, that the Examiner properly combined the cited references, the resulting combination still would not be the claimed invention given the deficiencies noted below in the primary Carlson reference.

Amended independent claim 1 describes a user interface for a hand held computer unit that includes a touch sensitive area simultaneously divided into a menu area and a display area, with the menu area simultaneously presenting a first function that is a general application dependent function, a second function that is a keyboard function, and a third function that is a task and file manager. Amended independent claim 1 has been amended to clarify that each of the three functions simultaneously represented in the menu area are activated by the touch sensitive area detecting the single step of an object moving in a direction from a starting point that is the representation of the function in the menu area to the display area. This single step function launching movement is not described in the primary Carlson reference.

The Examiner is thanked for discussing with the undersigned in connection with the Interview mentioned above the clarification of claim 1 by reciting a single step function

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launching movement and noting that the recitation of this single step in claim 1 would likely overcome the cited primary Carlson reference.

The user interface described in claim 1 of the present application is designed to be used with a user's hand and fingers, rather than any tools, such as the stylus used with a Palm Pilot. This user interface is designed to be navigated with a finger, and preferably using only one hand, holding the device with that hand and navigating with a user's finger. This allows the launching of the functions described in claim 1 with a finger, through the recognition of the finger's movement across a touch sensitive area in a direction from a starting point that is the representation of the function in the menu area to the display area. Claim 1 has been amended to better describe this single step function launching movement.

The Palm Pilot device described in the cited Carlson reference is, in contrast, designed to navigate on small icons and buttons with a relatively sharp tip from a stylus or pen. The Carlson reference purports to be a guide to Palm organizers. The Examiner looks to pages 30 and 40 of the Carlson reference as purporting to show the single step function launching movement recited in claim 1 and discussed above. In particular, the Examiner looks to Figure 2.22, on page 40 of Carlson, and the excerpt from page 30, titled "To activate the keyboard". In this excerpt from page 30, Carlson teaches that there are four ways of accessing the Palm Pilot keyboard function, one of which includes "drag[ing] the stylus vertically across the screen from bottom to top." The stylus is purported to be shown in Figure 2.22, page 40, of Carlson. However, alongside the representation of the stylus in this Figure is a menu including several entries, one of which is the keyboard function, and another of which, *i.e.*, the "backlight" function, appears to be highlighted.

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There are several reasons why the disclosure on pages 30 and 40 of Carlson do not show the function launching feature recited in claim 1 of the present application. First, claim 1 describes three broad based functions using the function launching features described in claim 1, to wit, a first general application-dependent function, a second keyboard function, and a third task and file manager function. The scope of these functions can be appreciated by the embodiment of the invention described in the specification of the present application and, in particular, the examples of these three functions shown in Figures 3, 5 and 6, respectively, of the present application. This is in sharp contrast to the limited keyboard function described in the Carlson reference with respect to the dragging of the stylus across the screen from to top on page 30 of Carlson.

Second, it is clear from page 40 of Carlson that what is described in Figure 2.22 is a two-step sequence in which a function is highlighted before the stylus is dragged. The grouping of possibilities shown to the right of the stylus in Figure 2.22 includes the keyboard function. This is in contrast to the single step function-launching movement described in claim 1, where a function is launched by the single step of an object, such as a finger, moving from a function icon in the menu area to the display area. It is this simple function-launching movement that allows the user interface and computer unit described in claim 1 to be operated by a single hand and finger.

Finally, even in describing the step of dragging a stylus vertically across a screen from bottom to top to activate a keyboard function, there is nothing in Carlson which teaches placing the stylus in the first instance on an icon describing or corresponding to the keyboard function

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and moving the stylus, or some other object, from that keyboard icon across the screen. Indeed, Figure 2.22 shows the pen-dragging function from the writing area to the top of the screen with the pen or stylus beginning at a location that is not a selected feature, such as those shown in Figure 2.22 that include the keyboard function.

Independent claim 17 describes a computer readable medium, with a computer program product stored therein that makes it possible for a computer to present a user interface according to Claim 1. Independent claims 1 and 17, and thus dependent claims 4-7, 12, and 15, which depend either directly or indirectly from claim 1, are not anticipated by Carlson because Carlson does not disclose the foregoing function launching feature described in amended claim 1.

Independent claims 1 and 17, and dependent claims 4-7, 12, and 15, are also not anticipated by Carlson because Carlson also does not disclose the recited first, second and third predefined functions simultaneously represented in the menu area, much less activating any one of these three functions by moving an object from a starting point that is within the representation of the function in the menu area in a direction from the menu area to the display area, as discussed above.

Claim 1 describes the first function as a general application dependent function which, in the embodiment of the invention described in the application, are services or functions dependent upon a current active application. One of the services is described as a help service, regardless of the application. Others are described as “save to disk”, “send as SMS”, or “delete”, or settings such as “resolution”, “colour”, or “brightness”. If no application is active, the services or settings

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can be of the operations system, such as background picture, clock, alarm, users, help, etc. *See, e.g., Application, pages 5-6.*

The Examiner looks to page 28 of Carlson and a “menu” icon shown in Figure 2.4 on page 28 of Carlson as meeting the first function feature recited in claim 1; however, what page 28 of Carlson shows is instructions for accessing menus in applications.

Claim 1 also describes the second function as a keyboard function. The Examiner looks to page 30 of Carlson as showing the keyboard function. Page 30 of Carlson does describe an “onscreen keyboard”.

Claim 1 describes the third function as a task and file manager. The Examiner looks to page 47 of Carlson, and particularly the applications screen in Figure 2.35 of Carlson as meeting this function. In the embodiment of the invention described in the present application, the third function is described as displaying a list with a library of available applications and files on the computer unit. *See, e.g., Application, page. 7.*

Assuming, *arguendo*, that the selected portions of Carlson show functions generally corresponding to the functions described in claim 1, because Carlson shows multiple screens for the menu shown on page 28, the keyboard shown on page 30, and the applications shown on page 47, Carlson also does not disclose a menu area simultaneously presenting a representation of the first, second and third predefined functions recited in claim 1. In view of the foregoing, clearly, Carlson does not anticipate independent claims 1 and 17 or dependent claims 4-7, 12, and 15.

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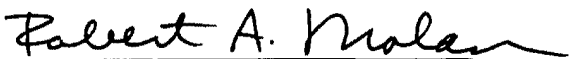
Finally, because Carlson does not anticipate the claimed invention as recited in independent claims 1 and 17 (which references claim 1), given the deficiencies noted above in the teachings of the primary Carlson reference, the remaining claims rejected in the outstanding Office Action under §103(a), *i.e.*, claims 2, 3, 8-11, 13, 14, 16 and 18, which depend either directly or indirectly from claim 1 or claim 17, are also not obvious over Carlson alone or in combination with the other references cited by the Examiner.

In view of the foregoing, it is believed that all of the claims pending in the application, *i.e.*, claims 1 – 18, are now in condition for allowance, which action is earnestly solicited. If any issues remain in this application, the Examiner is urged to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Robert A. Molan
Reg. No. 29,834

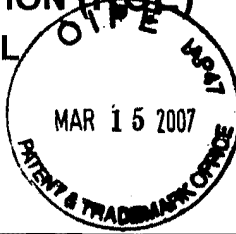
RAM:jsm

901 North Glebe Road, 11th Floor
Arlington, VA 22203
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Application Number	10/315,250
Filing Date	December 10, 2002
First Named Inventor	GOERTZ
Group Art Unit	2174; Conf. 1226
Examiner Name	Purcell, Ian M.
Attorney Docket Number	5042-2 (formerly 3682-32)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. § 1.114.

- a. ☐ Previously submitted (Note: Any previously filed unentered amendments will be entered unless applicant instructs otherwise. If applicant does not wish to have previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment After Final Rejection
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____
- 03/16/2007 HBERHE 00000053 10315250
01 FC:2801 395.00 OP

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ Applicant claims "small entity" status.
- b. ☒ Fees are attached as calculated below:
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) \$790.00 (1801)/\$395.00 (2801) \$ 395.00
- ii. ☒ Petition is made to extend the due date 1 months (less 0 months previously paid) \$ 60.00
- iii. ☐ Other \$
- c. ☒ Check in the amount of \$ 455.00 enclosed.
- d. ☐ Payment by credit card (credit card payment form attached) in the amount of \$ 0.00
- e. ☒ The Director is hereby authorized to charge any deficiency in the fee(s) filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), to Deposit Account No. 14-1140

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	Robert A. Molan	Registration No. (Attorney/Agent)	29,834
Signature	<i>Robert A. Molan</i>	Date	March 15, 2007

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: 03/16/2007 HBERHE 00000053 10315250

Name (Print Type)	02 FC:2251	60.00 OP
Signature	Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, Box RCE, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT APPLICATION FEE DETERMINATION RECORD Effective October 1, 2001

Application or Docket Number

10315250

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	18	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	18 minus 20 = *	
INDEPENDENT CLAIMS	1 minus 3 = *	
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	18	20	
Independent	1	3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL		OR	TOTAL	

SMALL ENTITY

OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

315-07

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	18	20	
Independent	1	3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total			
Independent			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	3682-32	1226
23117	7590	11/15/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			PURCELL, IAN M	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/315,250

Applicant(s)

GOERTZ, MAGNUS

Examiner

Ian M. Purcell

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is responsive to the Amendment filed 8/22/2006.

Claims 1-18 are pending in this application. Claims 1, 15 and 17 are independent claims. In the Amendment the Specification and the Claims were amended. Claims 1-16 were amended.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 1, 4-7, 12, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.).
3. As per claim 1, Carlson teaches a user interface for a mobile handheld computer unit (Introduction, page xiii), where said computer unit comprises a touch sensitive area (page 26, *the screen is touch sensitive*), which touch sensitive area is divided into a menu area (page 12, fig. 1.10 *silk screen graffiti area*) and a display area, where said computer unit is adapted to run several applications simultaneously (page 47, *all of the applications are running concurrently*), and to present an active application on top of any other application on said display area, characterised in, that said menu area is adapted to present a representation of a first, a second and a third predefined function, that said first function is a general application dependent function (page 28, *the Menu*

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icon, fig. 2.4), that said second function is a keyboard function (page 30, *either the abc or 123 dots in the lower corner of the Graffiti area*), that said third function is a task and file manager (page 47, *the Applications screen & fig. 2.35*), and that any one of said three functions can be activated when said touch sensitive area detects a movement of an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area (page 40, *bottom-to-top screen stroke shortcut fig. 2.22 & page 30, drag the stylus vertically across the screen from bottom to top*), said user interface allowing low precision navigation using a blunt object, whereby said user interface can be operated by one hand (page 12, *"The stylus is the main method of interacting with the PalmPilot" and it inherently involves one hand to use the stylus*. Also, if a finger was used, that would also be considered using one hand), where said object can be a finger (page 12, *"The stylus is the main method of interacting" though anything including fingers can work*).

4. As per claim 4, Carlson teaches the user interface according to claim 1, characterised in,

that, if said second function is activated, said display area is adapted to display a keyboard and a text field,

that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and

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that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard (page 30, fig 2.7).

5. As per claim 5, Carlson teaches the user interface according to claim 4, characterized in, that if no text passage in said active application is highlighted, and said text field is used for inputting and editing of text through said keyboard (page 30, fig 2.7), then

said first function can be activated, or

said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function,

in which said first function will present services or settings available for said inputted text (page 28, fig. 2.4 *Beam Memo*).

6. As per claim 6, Carlson teaches the user interface according to claim 1, characterised in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file (page 47, fig. 2.35).

7. As per claim 7, Carlson teaches the user interface according to claim 6, characterised in, that a selection of an application or a file is done by moving said object so that the representation of desired application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area,

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and that an application or file is highlighted by placing some kind of marking on the representation of said application or file (pages 26 & 27).

8. As per claim 12, Carlson teaches the user interface according to Claim 1, characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function service or setting is closed or backed one step by moving said object from the right of said display area to the left of said display area (page 246, fig. 14.2, *Drag to scroll through file*).

9. As per claim 15, Carlson teaches an enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure (page 12, *Silkscreen Graffiti area* & fig. 1.10).

10. As per claim 17, Carlson teaches a computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1 (page 25, *Palm OS*).

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Claim Rejections - 35 USC § 103

11. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.) in view of Kopitzke et al. ("Kopitzke", US # 6,988,246 B2).

12. As per claim 2, Carlson teaches the user interface according to claim 1, characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application (page 28, *the Menu icon*, fig. 2.4), and that, if no application is currently active on said computer unit, said icons are adapted to represent services or settings of the operations system of said computer unit (page 47, fig. 2.36, 12:11 am).

However Carlson does not teach expressly the user interface according to claim 1, characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application.

Kopitzke teaches the user interface according to claim 1, characterised in, that said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application (column 4, lines 36-53 & fig. 1, *Help key or button 6*).

Carlson and Kopitzke are analogous art because they are in the same field of endeavor, namely graphical user interfaces with touch sensitive displays.

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide the help function as taught by Kopitzke within the user interface of Carlson in order to provide context sensitive information.

As per claim 3, the modified Carlson teaches the user interface according to claim 2, characterised in, that a selection of a preferred service or setting is done by tapping on corresponding icon (Carlson, page 26, fig. 2.1 *Tapping just about any interface element in the Palm OS evokes a response*).

13. Claims 8-11 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.) in view of Wynn et al. ("Wynn", US # 6,734,883 B1).

14. As per claim 8, Carlson teaches the user interface according to claim 7. However Carlson does not teach expressly the user interface, characterised in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

Wynn teaches a user interface control, characterised in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered (column 3, lines 4-8, *dialog*

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box 32), that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation (column 3, lines 4-8, *label 31*) of a file manager and a selection of said field will cause said list to alter and present only files (column 3, lines 15-31).

Carlson and Wynn are analogous art because they are in the same field of endeavor, namely scrolling within graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the selection list format as taught by Wynn within the user interface of Carlson in order to provide a conventional list format.

15. As per claim 9, Carlson teaches the user interface according to claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (page 27, *a quicker way to view the full list is to tap and hold on the dark solid portion of the scroll bar, then drag it vertically*).

However Carlson does not teach expressly that the speed of the movement of said marking is lower than the speed of the movement of said object.

Wynn teaches a user interface control, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking

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to move in the same direction (column 3, lines 32-39 & figs. 5) and that the speed of the movement of said marking is lower than the speed of the movement of said object (column 4, lines 24-30).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the scrolling function as taught by Wynn within the user interface of Carlson in order to provide a conventional selection list.

16. As per claim 10, the modified Carlson in view of Wynn teaches the user interface according to claim 9, characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list (Carlson, page 253, fig. 14.15 *Full Page Up*).

The modified Carlson in view of Wynn does not disclose expressly the user interface, characterised in that if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list.

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At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the *Full Page Up* function (Carlson, page 253, fig 14.15) to work as a Full Page Down function by tapping on the bottom of the display area because Applicant has not disclosed that *if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list* provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the modified Full Page Up function as taught by Carlson because it would only need to be implemented to scroll down instead of up, when the display area is tapped on the bottom, instead of the top.

17. As per claim 11, the modified Carlson in view of Wynn teaches the user interface according to claim 10, characterised in, that if said object is removed from any first position on said display area and then replaced on any second position on said display area, said navigation can be continued from said second position (Carlson, page 253, fig. 14.15).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.)

18. As per claim 13, Carlson teaches the user interface according to Claim 1, characterised in, that said menu area is positioned at the bottom of said touch sensitive

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area, that said representation of said first function is positioned at the left side of said menu area, and that said representation of said second function is positioned at the middle of said menu area.

Carlson does not teach expressly that said representation of said third function is positioned at the right side of said menu area.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to place the third function on the right side of the display area instead of the left, because Applicant has not disclosed that *said representation of said third function is positioned at the right side of said menu area* provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore would have expected Applicant's invention to perform equally well with the third function on the left side of the display area because the placement of the representation would not change its functionality.

19. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA: Peachpit Press, 2000) in view of Strietelmeier ("Strietelmeier", Strietelmeier, Julie. "Palm m100." The Gadgeteer. 2000. <http://www.the-gadgeteer.com/review/palm_m100_review>).

20. As per claim 14, Carlson teaches the user interface according to Claim 1, characterised in, that said user interface is adapted to a touch sensitive area and that said user interface is adapted to be operated by one hand, where said object can be a finger (page 12, *stylus...includes fingers*).

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However Carlson does not teach expressly a touch sensitive area with a size that is in the order of 2-3 inches.

Strietelmeier teaches a user interface, characterised in, a touch sensitive area with a size that is in the order of 2-3 inches (page 4).

Carlson and Strietelmeier are analogous art because they are in the same field of endeavor, namely palm-sized computer organizers.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the dimensions of a touch sensitive area as taught by Strietelmeier within the user interface of Carlson in order to provide a touch sensitive area with the manufacturer's dimensions.

21. As per claim 16, Carlson teaches the enclosure according to claim 15. However, Carlson does not disclose the enclosure characterised in, that said enclosure is removable and exchangeable.

Strietelmeier teaches an enclosure characterised in, that said enclosure is removable and exchangeable (page 3, *you can also remove the entire face plate... there will be different face plates available*).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the customizable enclosures as taught by Strietelmeier within the enclosure of Carlson in order to tailor an enclosure to a user's preferences.

22. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA: Peachpit Press, 2000) in view of Chew et al. ("Chew", US # 6,727,917).

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As per claim 18, Carlson teaches a computer readable medium according to claim 17.

However Carlson does not teach expressly, that said computer program product is adapted to function as a shell upon an operations system.

Chew teaches a user interface for a palm-sized computer device, characterised in, that said computer program product is adapted to function as a shell upon an operations system (column 2, lines 1-5).

Carlson and Chew are analogous art because they are in the same field of endeavor, namely graphical user interfaces for hand-held personal computing devices with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the Carlson's program to function as shell as taught by Chew in order to efficiently display information.

Response to Arguments

23. Applicant's arguments with respect to claims 2, 4, 6-8, 10, 12, 14-16, 18, 20, 22-24 in the Amendment have been fully considered but they are not persuasive.

Applicant argued the following:

(a) Carlson does not teach using a blunt object, whereby the user can operate the interface with one hand, where said object can be a finger.

(b) Carlson does not disclose the recited first, second, and third predefined functions represented in a menu area, or activating anyone one of these three functions

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by moving an object from a starting point within the representation of the function on the menu in a direction from the menu area to the display area.

The Examiner disagrees for the following reasons:

Per (a), The stylus is the main method of interacting, however anything including fingers can work (page 12). It is simply an allegation that Carlson is portraying the use of a finger in "a somewhat joking way". It is more likely that Carlson is portraying the use of a toe in "a somewhat joking way". However, joking or not, Carlson teaches the use of a finger or a toe as said object. Furthermore, Carlson states on page 26, "three basic methods of interacting within the Palm ... depend on the stylus." As disclosed earlier, Carlson teaches that a finger can work as the stylus (page 12, *Stylus*). Moreover, the basic methods of interacting depend on the stylus, does not imply that all methods of interacting depend on the stylus.

Per (b), during patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Despite the claims being interpreted in light of the specification, limitations from the specification are not being read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued,

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will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Carlson teaches the recited first (page 28, the *Menu icon*, fig. 2.4), second (page 30, *either the abc or 123 dots in the lower corner of the Graffiti area*) and third predefined functions (page 47, the *Applications screen* & fig. 2.35) represented in a menu area (page 12, fig. 1.10 *silk screen graffiti area*). Furthermore, Carlson teaches activating **anyone one of these three** functions by moving an object from a starting point within the representation of the function on the menu in a direction from the menu area to the display area. Carlson teaches activating the second function by moving an object from a starting point within the representation of the function on the menu in a direction from the menu area to the display area (page 40, *bottom-to-top screen stroke shortcut*, fig. 2.22 & page 30, *to activate the keyboard ... drag the stylus vertically across the screen from bottom to top*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian M. Purcell whose telephone number is (571) 272-5755. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ian M. Purcell
Examiner

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Index of Claims

Application/Control No.

10/315,250

Examiner

Ian M. Purcell

Applicant(s)/Patent under
Reexamination

GOERTZ, MAGNUS

Art Unit

2174

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

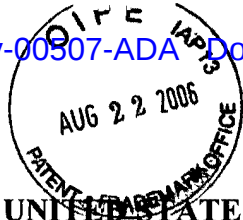
N	Non-Elected
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A	Appeal
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Claim		Date					
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GOERTZ

Atty. Ref.: 3682-32

Serial No.: 10/315,250

Group: 2174

Filed: December 10, 2002

Examiner: Purcell, Ian M.

For: USER INTERFACE

* * * * *

August 22, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action dated March 23, 2006, please amend the above-identified application as follows:

Amendments to the Title begin on page 2 of this paper.

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 10 of this paper.

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Serial No.: 10/315,250

AMENDMENTS TO THE TITLE

Please amend the title as follows:

USER INTERFACE FOR MOBILE HANDHELD COMPUTER UNIT

GOERTZ

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AMENDMENTS TO THE SPECIFICATION

On page 5 of the application, please add the following new paragraph after line 3,
as follows:

Figure 14 shows a computer readable medium in the form of a solid state memory.

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AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) ~~User~~ A user interface for a mobile handheld computer unit, where said computer unit comprises a touch sensitive area, which touch sensitive area is divided into a menu area and a display area, where said computer unit is adapted to run several applications simultaneously, and to present an active application on top of any other application on said display area, characterised in, that said menu area is adapted to present a representation of a first, a second and a third predefined function, that said first function is a general application dependent function, that said second function is a keyboard function, that said third function is a task and file manager, and that any one of said three functions can be activated when said touch sensitive area detects a movement of an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area, said user interface allowing low precision navigation using a blunt object, whereby said user interface can be operated by one hand, where said object can be a finger.

2. (Currently Amended) ~~User~~ The user interface according to Claim 1, ~~characterised~~ characterized in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a “help”-service, regardless of application, and that, if no application is currently active on said computer unit, said icons are adapted to represent services

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or settings of the operations system of said computer unit, ~~such as background picture, clock, users, help, etc.~~

3. (Currently Amended) ~~User~~ The user interface according to Claim 2, characterised in, that ~~that~~ a selection of a preferred service or setting is done by tapping on corresponding icon.

4. (Currently Amended) ~~User~~ The user interface according to Claim 1, characterised in,
- that, if said second function is activated, said display area is adapted to display a keyboard and a text field,

- that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and

- that if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard.

5. (Currently Amended) ~~User~~ The user interface according to Claim 4, characterised in, that if no text passage in said active application is highlighted, said text field is used for inputting and editing of text through said keyboard, then

- said first function can be activated, or
- said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said

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first function,

in which said first function will present services or settings available for said inputted text, ~~such as saving said inputted text for later use, using said inputted text as telephone number in a telephone application, or sending said inputted text as message in communications application.~~

6. (Currently Amended) ~~User~~ The user interface according to Claim 1, characterised in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file.

7. (Currently Amended) ~~User~~ The user interface according to Claim 6, characterised in, that a selection of an application or a file is done by moving said object so that the representation of desired application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area, and that an application or file is highlighted by placing some kind of marking on the representation of said application or file, ~~such as positioning a frame around the representation of said application or file or inverting the representation of said application or file.~~

8. (Currently Amended) ~~User~~ The user interface according to Claim 7, characterised in,

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that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content ~~if of~~ said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

9. (Currently Amended) ~~User~~ The user interface according to Claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction, and that the speed of the movement of said marking is lower than the speed of the movement of said object.

10. (Currently Amended) ~~User~~ The user interface according to Claim 9, characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is positioned at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list,

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and if said object is positioned at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list.

11. (Currently Amended) ~~User~~ The user interface according to Claim 10, characterised in, that if said object is removed from any first position on said display area and then replaced on any second position on said display area, said navigation can be continued from said second position.

12. (Currently Amended) ~~User~~ The user interface according to Claim 1, characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function, service or setting is closed or backed one step by moving said object from the right of said display area to the left of said display area.

13. (Currently Amended) ~~User~~ The user interface according to Claim 1, characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, that said representation of said second function is positioned at the middle of said menu area, and that said representation of said third function is positioned at the right side of said menu area.

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14. (Currently Amended) ~~User~~ The user interface according to Claim 1, characterised in, that said user interface is adapted to a touch sensitive area with a size that is in the order of 2-3 inches, and that said user interface is adapted to be operated by one hand, where said object can be a finger, ~~such as the thumb, or a user of said computer unit.~~

15. (Currently Amended) An enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according to Claim 1, characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure.

16. (Currently Amended) ~~Enclosure~~ The enclosure according to Claim 15, characterised in, that said enclosure is removable and exchangeable.

17. (Original) A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1.

18. (Original) A computer readable medium according to Claim 17, characterised in, that said computer program product is adapted to function as a shell upon an operations system.

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REMARKS

Reconsideration of this application is respectfully requested.

Claims 1-18 are pending in the application. Upon entry of this Amendment, claims 1-16 will be amended to, *inter alia*, conform such claims to U.S. claim practice.

In the outstanding Office Action of March 23, 2006, the Examiner objected to the title of the invention as not being descriptive. The title of the invention has now been amended. Accordingly, the Examiner's objection to the title of the invention should now be withdrawn.

The Examiner objected to claims 3 and 8 because of certain informalities noted in these claims. The proposed amendments by the Examiner have now been made and, as such, the Examiner's objection to claims 3 and 8 should now be withdrawn.

The Examiner also objected to claim 11 under 37 CFR §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. In particular, the Examiner contends that claim 11 fails to further limit claim 10. Claim 11 has now been amended to clarify that the first and second positions on the display area can be any positions, as opposed to the top or bottom positions recited in claim 10. As such, the Examiner's objection to claim 11 should now be withdrawn.

The Examiner rejected claims 2, 5, 7 and 14 under 35 U.S.C. §112, second paragraph, as being indefinite, contending that the phrase "such as" and the following text in these claims renders the claims indefinite. Claims 2, 5, 7 and 14 have now been amended to delete the "such as" phrases. Accordingly, the Examiner's rejection of claims 2, 5, 7 and 14 under §112, second paragraph, should now be withdrawn.

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The Examiner also rejected claims 1, 4-7, 12, 15 and 17 under 35 U.S.C. §102(b) as being anticipated by Carlson (Carlson, Jeff, *Visual Quickstart Guide Palm Organizers*, Peachpit Press, 2000, Berkeley, CA; hereinafter “Carlson”). The Examiner further rejected, as being unpatentable under 35 U.S.C. §103(a), claims 2 and 3 over Carlson in view of Kopitzke (USP 6,988,246; hereinafter “Kopitzke”); claims 8-11 and 13 over Carlson in view of Wynn et al. (USP 6,734,883; hereinafter Wynn); claim 13 over Carlson alone; claims 14 and 16 over Carlson in view of Strietelmeier (Strietelmeier, Julie, *Palm m100*, The Gadgeteer, 2000, http://www.the-gadgeteer.com/review/palm_m100_review; hereinafter Strietelmeier); and claim 18 over Carlson in view of Chew et al. (USP 6,727, 917; hereinafter Chew). The Examiner’s rejections are respectfully traversed.

For a claimed invention to be anticipated by a prior art reference, every element of the claim must be disclosed in the reference. For a claimed invention to be obvious over a combination of prior art references, there must be some suggestion, motivation or teaching in the prior art that would have led one of ordinary skill in the art to combine the references to produce the claimed invention. *E.g., Ashland Oil, Inc. v. Delta Resins & Refracs.*, 776 F.2d 281, 293 (Fed. Cir. 1985). Here, the claimed invention of the present application is neither anticipated nor obvious over the cited references because such references do not disclose or suggest all of the limitations of the claimed invention. Even assuming, *arguendo*, that the Examiner properly combined the cited references, the resulting combination still would not be the claimed invention given the deficiencies noted below in the primary Carlson reference.

Amended independent claim 1 now recites a “user interface allowing low precision

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navigation using a blunt object, whereby said user interface can be operated by one hand, where said object can be a finger.” Independent claim 17 describes a computer readable medium, with a computer program product stored therein that makes it possible for a computer to present a user interface according to Claim 1. Independent claims 1 and 17, and thus dependent claims 4-7, 12, and 15, which depend either directly or indirectly from claim 1, are not anticipated by Carlson because Carlson does not disclose this feature of the claimed invention.

The user interface described in the claims of the present invention is designed to be used with a user’s hand and fingers, rather than any tools, such as the stylus used with a Palm Pilot. The user interface described in the claims of the present invention is designed to be navigated with a finger, and preferably using only one hand, holding the device with that hand and navigating with a user’s thumb. This allows low precision navigation, with a blunt object, such as a finger, through the recognition of the finger’s movements across a touch sensitive area. The claims of the present application describe movement patterns that allow such low resolution navigation using a blunt object, such as a finger. For example, claim 14 recites the feature of a one hand device and navigation through a finger.

The Palm Pilot device described in the cited Carlson reference is, in contrast, designed to navigate on small icons and buttons with a relatively sharp tip from a stylus or pen. The use of a stylus allows high precision navigation and, thus, the possibility of pressing a single button on a Palm Pilot screen. The Carlson reference purports to be a guide to Palm organizers. Although the Examiner notes that Carlson states, on page 12, that “anything that isn’t sharper than a No. 2 pencil can work (that includes fingers and toes too!)”, the navigation system in a Palm organizer

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is, in fact, designed to use the stylus mentioned in the Carlson reference. Using a Palm organizer with a blunt object, such as a thumb, would give very limited use because of the lack of precision available from using a thumb. Indeed, Carlson, in mentioning the use of a “finger or toe”, does so in a somewhat joking way, noting later that the “three basic methods of interacting within the Palm OS, all . . . depend on the stylus (or a similar writing instrument).” *See, e.g.*, Carlson, page 26, paragraph titled “Navigating the Palm OS”.

This is in sharp contrast to the menus and movements described in the claims of the present application, which allow the use of a blunt object, such as a finger, for all navigation and use of the claimed user interface. Thus, the movement patterns described in the claims of the present application allow the use of the user interface with one hand only and navigation of the user interface with the thumb of that hand.

Independent claim 1 of the present application also recites:

[a] menu area . . . adapted to present a representation of a first, a second and a third predefined function, that said first function is a general application dependent function, that said second function is a keyboard function, that said third function is a task and file manager, and that any one of said three functions can be activated when said touch sensitive area detects a movement of an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area.

Independent claims 1 and 17, and dependent claims 4-7, 12, and 15, are also not anticipated by Carlson because Carlson also does not disclose the recited first, second and third predefined functions represented in a menu area, or activating any one of these three functions by moving an object from a starting point within the representation of the function on the menu area in a

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direction from the menu area to the display area. One embodiment of this feature is depicted in Figures 1 and 2 of the present application.

Claim 1 describes the first function as a general application dependent function which, in the embodiment of the invention described in the application, are services or functions dependent upon a current active application. One of the services is described as a help service, regardless of the application. Others are described as “save to disk”, “send as SMS”, or “delete”, or settings such as “resolution”, “colour”, or “brightness”. If no application is active, the services or settings can be of the operations system, such as background picture, clock, alarm, users, help, etc. *See, e.g., Application, pages 5-6.*

The Examiner looks to page 28 of Carlson and a “menu” icon shown in Figure 2.4 on page 28 of Carlson as meeting the first function feature recited in claim 1; however, what page 28 of Carlson shows is instructions for accessing menus in applications. In any event, no where does page 28 of Carlson show such menus as being selected by movement of an object, such as a finger, from a menu area to a display area, as recited in claim 1. Rather, Carlson discusses at page 28 using a stylus to tap “menu icons” and “words” to see drop-down menus.

Claim 1 also describes the second function as a keyboard function. The Examiner looks to page 30 of Carlson as showing the keyboard function. Page 30 of Carlson does describe an “onscreen keyboard”. While page 30 of Carlson does mention accessing the keyboard by “drag[ging] the stylus vertically across the screen from bottom to top”, it also mentions other methods, such as tapping on “abc” or “123” dots, selecting “Keyboard” from an Edit menu, or writing certain characters in a Graffiti area. In any event, no where does cited page 30 of Carlson

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show such keyboard as being selected by movement of an object, such as a finger, from a menu area to a display area, as recited in claim 1.

Claim 1 describes the third function as a task and file manager. The Examiner looks to page 47 of Carlson, and particularly the applications screen in Figure 2.35 of Carlson as meeting this function. In the embodiment of the invention described in the present application, the third function is described as displaying a list with a library of available applications and files on the computer unit. *See, e.g.*, Application, page. 7. While page 47 of Carlson shows applications and application icons, it describes launching applications by bringing up the Application screen by tapping the “silkscreened Applications icon” first and then tapping a program’s name or icon to launch it. Nowhere does cited page 47 of Carlson show the applications as being selected by movement of an object, such as a finger, from a menu area to a display area, as recited in claim 1.

Since Carlson shows different screens for the menu shown on page 28, the keyboard shown on page 30, and the applications shown on page 47, Carlson also does not disclose a menu area presenting a representation of first, second and third predefined functions, as recited in claim 1. In view of the foregoing, clearly, Carlson does not anticipate independent claims 1 and 17 or dependent claims 4-7, 12, and 15.

Finally, because Carlson does not anticipate the claimed invention as recited in independent claims 1 and 17 (which references claim 1), given the deficiencies noted above in the teachings of the primary Carlson reference, the remaining claims rejected in the outstanding Office Action under §103(a), *i.e.*, claims 2, 3, 8-11, 13, 14, 16 and 18, which depend either

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directly or indirectly from claim 1 or claim 17, are also not obvious over Carlson alone or in combination with the other references cited by the Examiner.

In view of the foregoing, it is believed that all of the claims pending in the application, *i.e.*, claims 1 – 18, are now in condition for allowance, which action is earnestly solicited. If any issues remain in this application, the Examiner is urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Robert A. Molan

Robert A. Molan

Reg. No. 29,834

RAM:jsm

901 North Glebe Road, 11th Floor

Arlington, VA 22203

Telephone: (703) 816-4000

Facsimile: (703) 816-4100

In re Patent Application of

Atty 3682-32

Dkt.

C# M#

GOERTZ

TC/A.U.

2174

Serial No. 10/315,250

Examiner: PURCELL, Ian M.

Filed: December 10, 2002

Date: August 22, 2006

Title: USER INTERFACE



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 18 minus highest number
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$ 450.00

Terminal disclaimer enclosed, add \$130.00 (1814)/ \$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ 0.00

TOTAL FEE ENCLOSED \$ 450.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
RAM:jsm

NIXON & VANDERHYE P.C.
By Atty: Robert A. Molan, Reg. No. 29,834

Signature: Robert A. Molan

08/23/2006 FMETEKI1 00000023 10315250

01 FC:1252

450.00 0P

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2001

Application or Docket Number

10315250

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	18	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	18 minus 20=	*
INDEPENDENT CLAIMS	1 minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* 18 Minus ** 20	=
	Independent	* 1 Minus *** 3	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

SMALL ENTITY TYPE ☐ OR

OTHER THAN SMALL ENTITY

RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL		OR	TOTAL	

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* Minus **	=
	Independent	* Minus ***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* Minus **	=
	Independent	* Minus ***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

In re Patent Application of:
GOERTZ
 Serial No. 10/315,250/
 Filed: April 29, 2004
 For: User Interface



Attention:
 Atty. Dkt. 3682-32
 Date: July 27, 2006

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

The attached completes filing of the above-identified patent application:

- ☐ **Correspondence Address Indication Form Attached.**
- ☐ Signed Rule 63 Declaration alone, ☐ Copy of Declaration from prior application alone, OR
- ☐ Signed Declaration plus attached copy of originally filed specification/drawings.
- ☐ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED** form.
- ☒ Record the attached change of name from Neonode Sweden AB to Neonode AB, Stockholm, Sweden and return to the undersigned.
- ☐ Attached is a Power of Attorney.
- ☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:
- | Application Number | Country | Day/Month/Year Filed |
|--------------------|---------|----------------------|
| | | |

respectively.

- ☐ Certified copy(ies) of foreign application(s) is/are attached.
- ☐ Certified copy(ies) filed on _____ in prior application no. _____, filed _____.
- ☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.
- ☐ Please enter the attached preliminary amendment prior to calculation of filing fee.
- ☒ Also attached: ☐ Information Disclosure Statement; ☐ Nucleotide and/or Amino Acid Sequence Submission; ☒ Other: Notification of Change of Entitlement to Small Entity Status Pursuant to 37 CFR 1.27(g)(2)

Fees due are calculated below:

Basic filing fee	\$300.00 (1011)/\$150.00 (2011)	\$
Search Fee	\$500.00 (1111)/\$250.00 (2111)	\$
Examination Fee	\$200.00 (1311)/\$100.00 (2311)	\$
Application Size Fee for each add'l 50 sheets that exceeds 100 sheets)		
Total pages: 0-100 = 0.00	0 \$0.00(1081)/	\$0.00 (2081) \$
Total effective claims 0 - 20 (at least 20) = 0	x \$50.00 = \$0.00 (1202)/\$0.00 (2202)	\$
Independent claims 0 - 3 (at least 3) = 0	x \$200.00 = \$0.00 (1201)/\$0.00 (2201)	\$
If any proper multiple dependent claims now added for first time (ignore improper), add		
	\$360.00 (1203)/\$180.00 (2203)	\$
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)		
	One Month Extension \$120.00 (1251)/\$60.00 (2251)	
	Two Month Extensions \$450.00 (1252)/\$225.00 (2252)	
	Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)	
	Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)	
	Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255)	\$
Surcharge if Declaration or filing fee first now submitted:	\$130.00 (1051)/\$65.00 (2051)	\$
English translation of specification and claims	\$130.00 (1053)	\$
Assignment Recording Fee	\$40.00 (8021)	\$ 40.00
	TOTAL FEE DUE	\$ 40.00

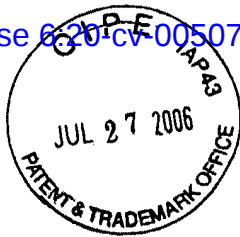
☐ **CREDIT CARD PAYMENT FORM ATTACHED.**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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 Arlington, Virginia 22203-1808
 Telephone: (703) 816-4000
 Facsimile: (703) 816-4100
 RAM:jsm

NIXON & VANDERHUYE P.C.
 By Atty: Robert A. Molan, Reg. No. 29,834

Signature: Robert A. Molan



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GOERTZ

Atty. Ref.: 3682-32

Serial No. 10/315,250

Group: 2174

Filed: December 10, 2002

Examiner: Purcell, Ian M.

For: User Interface

* * * * *

July 27, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTIFICATION OF CHANGE OF ENTITLEMENT TO
SMALL ENTITY STATUS PURSUANT TO 37 CFR 1.27(g)(2)**

Notification pursuant to 37 CFR 1.27(g)(2) is hereby given of a change in entitlement to small entity status in the present application. In particular, Applicant states that this application is no longer entitled to small entity status.

While it is believed that no additional large entity fees are due at this time, nonetheless, the Commissioner is hereby authorized to charge any deficiency in the

GOERTZ
Application Serial No. 10/315,250

fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper previously filed in this application by this firm) to our **Account No. 14-1140**.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Robert A. Molan

Robert A. Molan
Reg. No. 29,834

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/315,250	12/10/2002	Magnus Goertz	3682-32	1226
23117	7590	03/23/2006		
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			<div>EXAMINER</div> <div>PURCELL, IAN M</div>	
			<div>ART UNIT</div> <div>2174</div>	<div>PAPER NUMBER</div>
DATE MAILED: 03/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/315,250

Applicant(s)

GOERTZ, MAGNUS

Examiner

Ian M. Purcell

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

(a.) Fig. 14 is not mentioned in the Brief Description of the Drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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Claim Objections

3. Claim 3 objected to because of the following informalities:

(a.) Claim 3 states "characterised in, that that a selection of a preferred service or setting is done tapping" and should be changed to --characterised in, that a selection of a preferred service or setting is done by tapping --

(b.) Claim 8 states "content if said list" should be changed to -content of said list -
Appropriate correction is required.

4. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 fails to further limit claim 10.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 5, 7 and 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2, 5, 7 and 14 the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 4-7, 12, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.).

8. As per claim 1, Carlson teaches a user interface for a mobile handheld computer unit (Introduction, page xiii), where said computer unit comprises a touch sensitive area (page 26, *the screen is touch sensitive*), which touch sensitive area is divided into a menu area (page 12, fig. 1.10 *silk screen graffiti area*) and a display area, where said computer unit is adapted to run several applications simultaneously (page 47, *all of the applications are running concurrently*), and to present an active application on top of any other application on said display area, characterised in, that said menu area is adapted to present a representation of a first, a second and a third predefined function, that said first function is a general application dependent function (page 28, *the Menu icon*, fig. 2.4), that said second function is a keyboard function (page 30, *either the abc or 123 dots in the lower corner of the Graffiti area*), that said third function is a task and file manager (page 47, *the Applications screen & fig. 2.35*), and that any one of said three functions can be activated when said touch sensitive area detects a movement of

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an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area (page 40, *bottom-to-top screen stroke shortcut* fig. 2.22 & page 30, *drag the stylus vertically across the screen from bottom to top*).

9. As per claim 4, Carlson teaches the user interface according to claim 1, characterised in, that, if said second function is activated, said display area is adapted to display a keyboard and a text field, that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard (page 30, fig 2.7).

10. As per claim 5. User interface according to claim 4, characterized in, that if no text passage in said active application is highlighted, and said text field is used for inputting and editing of text through said keyboard (page 30, fig 2.7), then said first function can be activated, or said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function, in which said first function will present services or settings available for said inputted text, such as saving said inputted text for later use, using said inputted text as telephone number in a telephone application, or sending said inputted text as message in communications application (page 28, fig. 2.4 *Beam Memo*).

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11. As per claim 6, Carlson teaches the user interface according to claim 1, characterised in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said computer unit, that a selection of an application will start said application, and that a selection of a file will open said file in an application intended for said file (page 47, fig. 2.35).

12. As per claim 7, Carlson teaches the user interface according to claim 6, characterised in, that a selection of an application or a file is done by moving said object so that the representation of desired application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area, and that an application or file is highlighted by placing some kind of marking on the representation of said application or file, such as positioning a frame around the representation of said application or file or inverting the representation of said application or file (pages 26 & 27).

13. As per claim 12, Carlson teaches the user interface according to Claim 1, characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function service or setting is closed or backed one step by moving said object from the right of said display area to the left of said display area (page 246, fig. 14.2, *Drag to scroll through file*).

14. As per claim 15, Carlson teaches an enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according Claim 1, characterised in, that said enclosure is provided with an opening for said display area,

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and that a representation of said menu area is printed on top of said enclosure (page 12, *Silkscreen Graffiti area* & fig. 1.10).

15. As per claim 17, Carlson teaches a computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1 (page 25, *Palm OS*).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.) in view of Kopitzke et al. ("Kopitzke", US # 6,988,246 B2).

18. As per claim 2, Carlson teaches the user interface according to claim 1, characterised in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application (page 28, *the Menu icon*, fig. 2.4), and that, if no application is currently active on said computer unit, said icons are adapted to represent services or settings of

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the operations system of said computer unit, such as background picture, clock (page 47, fig. 2.36, 12:11 am), users, help, etc.

However Carlson does not teach expressly the user interface according to claim 1, characterised in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application.

Kopitzke teaches the user interface according to claim 1, characterised in, that said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application (column 4, lines 36-53 & fig. 1, *Help key or button 6*).

Carlson and Kopitzke are analogous art because they are in the same field of endeavor, namely graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide the help function as taught by Kopitzke within the user interface of Carlson in order to provide context sensitive information.

As per claim 3, the modified Carlson teaches the user interface according to claim 2, characterised in, that a selection of a preferred service or setting is done by tapping on corresponding icon (Carlson, page 26, fig. 2.1 *Tapping just about any interface element in the Palm OS evokes a response*).

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19. Claims 8-11 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.) in view of Wynn et al. ("Wynn", US # 6,734,883 B1).

20. As per claim 8, Carlson teaches the user interface according to claim 7.

However Carlson does not teach expressly the user interface, characterised in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered, that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

Wynn teaches a user interface control, characterised in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content of said list can be altered (column 3, lines 4-8, *dialog box* 32), that, if said list only presents files, said field displays a representation of a task manager and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation (column 3, lines 4-8, *label* 31) of a file manager and a selection of said field will cause said list to alter and present only files (column 3, lines 15-31).

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Carlson and Wynn are analogous art because they are in the same field of endeavor, namely scrolling within graphical user interfaces with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the selection list format as taught by Wynn within the user interface of Carlson in order to provide a conventional list format.

21. As per claim 9, Carlson teaches the user interface according to claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (page 27, *a quicker way to view the full list is to tap and hold on the dark solid portion of the scroll bar, then drag it vertically*).

However Carlson does not teach expressly that the speed of the movement of said marking is lower than the speed of the movement of said object.

Wynn teaches a user interface control, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction (column 3, lines 32-39 & figs. 5) and that the speed of the movement of said marking is lower than the speed of the movement of said object (column 4, lines 24-30).

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the scrolling function as taught by Wynn within the user interface of Carlson in order to provide a conventional selection list.

22. As per claim 10, the modified Carlson in view of Wynn teaches the user interface according to claim 9, characterised in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is position at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list (Carlson, page 253, fig. 14.15 *Full Page Up*).

The modified Carlson in view of Wynn does not disclose expressly the user interface, characterised in that if said object is position at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list.

At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the *Full Page Up* function (Carlson, page 253, fig 14.15) to work as a Full Page Down function by tapping on the bottom of the display area because Applicant has not disclosed that *if said object is*

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position at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said display area will be replaced by the following applications and/or files in said list provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the modified Full Page Up function as taught by Carlson because it would only need to be implemented to scroll down instead of up, when the display area is tapped on the bottom, instead of the top.

23. As per claim 11, the modified Carlson in view of Wynn teaches the user interface according to claim 10, characterised in, that if said object is removed from a first position on said display area and then replaced on a second position on said display area, said navigation can be continued from said second position (Carlson, page 253, fig. 14.15).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA.)

24. As per claim 13, Carlson teaches the user interface according to Claim 1, characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, and that said representation of said second function is positioned at the middle of said menu area.

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Carlson does not teach expressly that said representation of said third function is positioned at the right side of said menu area.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to place the third function on the right side of the display area instead of the left, because Applicant has not disclosed that *said representation of said third function is positioned at the right side of said menu area* provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore would have expected Applicant's invention to perform equally well with the third function on the left side of the display area because the placement of the representation would not change its functionality.

25. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA: Peachpit Press, 2000) in view of Strietelmeier ("Strietelmeier", Strietelmeier, Julie. "Palm m100." The Gadgeteer. 2000. <http://www.the-gadgeteer.com/review/palm_m100_review>).

26. As per claim 14, Carlson teaches the user interface according to Claim 1, characterised in, that said user interface is adapted to a touch sensitive area and that said user interface is adapted to be operated by one hand, where said object can be a finger, such as the thumb, of a user of said computer unit (page 12, *stylus...includes fingers*).

However Carlson does not teach expressly a touch sensitive area with a size that is in the order of 2-3 inches.

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Strietelmeier teaches a user interface, characterised in, a touch sensitive area with a size that is in the order of 2-3 inches (page 4).

Carlson and Strietelmeier are analogous art because they are in the same field of endeavor, namely palm-sized computer organizers.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the dimensions of a touch sensitive area as taught by Strietelmeier within the user interface of Carlson in order to provide a touch sensitive area with the manufacturer's dimensions.

27. As per claim 16, Carlson teaches an enclosure according to claim 15. However, Carlson does not disclose an enclosure characterised in, that said enclosure is removable and exchangeable.

Strietelmeier teaches an enclosure characterised in, that said enclosure is removable and exchangeable (page 3, *you can also remove the entire face plate... there will be different face plates available*).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the customizable enclosures as taught by Strietelmeier within the enclosure of Carlson in order to tailor an enclosure to a user's preferences.

28. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ("Carlson", Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Berkeley, CA: Peachpit Press, 2000) in view of Chew et al. ("Chew", US # 6,727,917).

As per claim 18, Carlson teaches a computer readable medium according to claim 17.

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However Carlson does not teach expressly, that said computer program product is adapted to function as a shell upon an operations system.

Chew teaches a user interface for a palm-sized computer device, characterised in, that said computer program product is adapted to function as a shell upon an operations system (column 2, lines 1-5).

Carlson and Chew are analogous art because they are in the same field of endeavor, namely graphical user interfaces for hand-held personal computing devices with touch sensitive displays.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the Carlson's program to function as shell as taught by Chew in order to efficiently display information.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirayama et al. (US # 5,406,307) teaches a method of activating functions.

Lui et al. (US # 6,833,827) teaches a keyboard function, a general application function and a file and task manager function.

Yonezawa (US # 6,542,191 B1) teaches a save function.

Friend et al. (US # 6,052,279) teaches a customizable hand-held computer.

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30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian M. Purcell whose telephone number is (571) 272-5755. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ian M. Purcell
Examiner

Kristine Kincaid
KINETIC KINCAID
SUPERVISORY SENIOR EXAMINER
TECHNOLOGY CENTER 2100

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Notice of References Cited

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Applicant(s)/Patent Under
Reexamination
GOERTZ, MAGNUS

Examiner

Ian M. Purcell

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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,988,246 B2	01-2006	Kopitzke et al.	715/810
*	B	US-6,727,917 B1	04-2004	Chew et al.	715/765
*	C	US-6,734,883 B1	05-2004	Wynn et al.	715/830
*	D	US-6,052,279	04-2000	Friend et al.	361/686
*	E	US-6,542,191 B1	04-2003	Yonezawa, Hiroki	348/333.01
*	F	US-6,833,827 B2	12-2004	Lui et al.	345/173
*	G	US-5,406,307	04-1995	Hirayama et al.	715/800
	H	US-			
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	J	US-			
	K	US-			
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	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U	Carlson, Jeff. Visual Quickstart Guide Palm Organizers. Peachpit Press. 2000. Berkeley, CA. Pages xiii, 12, 25, 26, 28-30, 40, 47, 246 and 253.				
	V	Strietelmeier, Julie. "Palm m100." The Gadgeteer. 2000. < http://www.the-gadgeteer.com/review/palm_m100_review > Pages 1-8.				
	W					
	X					

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims

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10/315,250

Examiner

Ian M. Purcell

Applicant(s)/Patent under
Reexamination

GOERTZ, MAGNUS

Art Unit

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✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date									
Final	Original	3/16/06									
	1	✓									
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CONFIRMATION NO. 1226

SERIAL NUMBER 10/315,250	FILING DATE 12/10/2002 RULE	CLASS 345	GROUP ART UNIT 2174	ATTORNEY DOCKET NO. 3682-32
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APPLICANTS

Magnus Goertz, Stockholm, SWEDEN;

** CONTINUING DATA *****

None PP

** FOREIGN APPLICATIONS *****

None PP

IF REQUIRED, FOREIGN FILING LICENSE GRANTED

** SMALL ENTITY **

** 01/16/2003

Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	STATE OR	SHEETS	TOTAL	INDEPENDENT
35 USC 119 (a-d) conditions met <input checked="" type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance	COUNTRY	DRAWING	CLAIMS	CLAIMS
Verified and Acknowledged Examiner's Signature: <i>[Signature]</i> Initials: <i>PP</i>	SWEDEN	4	18	1

ADDRESS

23117
 NIXON & VANDERHYE, PC
 901 NORTH GLEBE ROAD, 11TH FLOOR
 ARLINGTON, VA
 22203

TITLE

User interface

FILING FEE RECEIVED 440	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
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Search Notes**Application/Control No.**

10/315,250

Examiner

Ian M. Purcell

**Applicant(s)/Patent under
Reexamination**

GOERTZ, MAGNUS

Art Unit

2174

SEARCHED

Class	Subclass	Date	Examiner
715	864	3/13/2006	IP
715	702	3/8/2006	IP

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
See EAST Search History	3/16/2006	IP

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S2	1	("20040109013").PN.	US-PGPUB; USPAT	OR	OFF	2006/03/15 10:39
S3	2	goertz-magnus.in.	US-PGPUB; USPAT	OR	ON	2006/03/08 17:25
S4	1	((handheld adj computer)or pda) near2 enclosure).ti.	US-PGPUB; USPAT	OR	ON	2006/03/05 18:56
S5	22	((handheld adj computer)or pda) near2 enclosure)	US-PGPUB; USPAT	OR	ON	2006/03/05 18:56
S6	50	("5671420" "5978568" "5905862" "4949248" "5367573" "5692191" "5983259" "6035303" "6098158" "4336458" "4357021" "4368669" "4503533" "4506336" "4782463" "5016308" "5178418" "5301269" "5392212" "5428744" "5442788" "5524199" "5524200" "5526018" "5533148" "5544301" "5546534" "5555369" "5555368" "5559903" "5561811" "5568770" "5570109" "5596639" "5598534" "5636133" "5642495" "5664208" "5677710" "5733278" "5740455" "5781901" "5793498" "5796402" "5796397" "5864848" "5870611" "5881286" "5881242" "5897644").pn.	US-PGPUB; USPAT	OR	ON	2006/03/08 16:39
S7	245	715/864.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/09 15:23
S8	5702	S7 ((menu and display) with area)	US-PGPUB; USPAT	OR	ON	2006/03/08 17:28
S9	245	S8 and S7	US-PGPUB; USPAT	OR	ON	2006/03/08 17:28
S10	464	S7 ((menu and display) adj area)	US-PGPUB; USPAT	OR	ON	2006/03/08 17:28
S11	245	S10 and S7	US-PGPUB; USPAT	OR	ON	2006/03/08 17:30
S12	12754	(touch adj sensitive) or (tactile adj based)	US-PGPUB; USPAT	OR	ON	2006/03/08 17:31
S13	54	S12 and S7	US-PGPUB; USPAT	OR	ON	2006/03/08 18:00
S14	106	715/702.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/08 18:00
S15	1	S14 and S7	US-PGPUB; USPAT	OR	ON	2006/03/08 18:01
S16	25	S14 and S12	US-PGPUB; USPAT	OR	ON	2006/03/08 18:01
S17	20	("5327161" | "5406307" | "5473745" | "5594471" | "5617526" | "5745109" | "5757368" | "5757371" | "5910802").PN. OR ("6304261"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/08 18:11
S18	14	("4475239" | "4839634" | "4855725" | "4965558" | "5075675" | "5347628").PN. OR ("6100878").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/09 09:11

EAST Search History

S19	92	("3761877" | "3772685" | "3832693" | "3990070" | "4058849" | "4125873" | "4190833" | "4363029" | "4639720").PN. OR ("4839634").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/09 09:14
S20	134	("3699439" | "3832693" | "4016542" | "4055726" | "4071691" | "4112415" | "4129747" | "4177354" | "4184147" | "4198539" | "4262281" | "4293734" | "4302011" | "4318096" | "4353552" | "4365235" | "4371746" | "4456787" | "4475239" | "4520357" | "4641354" | "4672677" | "4679241" | "4680430" | "4680804" | "4764885" | "4786765" | "4831556" | "4839634" | "4972496" | "5050105" | "5053758" | "5151950").PN. OR ("5347295").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/09 09:52
S21	46	("3603983" | "3617666" | "3864024" | "3911215" | "4017858" | "4180711" | "4220815" | "4373124" | "4594482" | "4604605" | "4607147" | "4626961" | "4707570" | "4734218" | "4737310" | "4740781" | "4745241" | "4778619" | "4780531" | "4815826" | "4838660" | "4839634" | "4841290" | "Re28365").PN. OR ("4990900").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/09 09:55
S22	4	kang-beng-hong.in.	US-PGPUB; USPAT	OR	ON	2006/03/09 14:29
S23	247	715/864.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/10 11:19
S24	37	S23 and drag\$4	US-PGPUB; USPAT	OR	ON	2006/03/09 15:23
S25	34	hirayama-tomoshi.in.	US-PGPUB; USPAT	OR	ON	2006/03/09 16:30
S26	2	S25 and (display and menu and drag\$4)	US-PGPUB; USPAT	OR	ON	2006/03/09 17:04
S27	5	S25 and (display and "45" and drag\$4)	US-PGPUB; USPAT	OR	ON	2006/03/09 17:04

EAST Search History

S28	72	(US-20050229117-\$ or US-20050120312-\$ or US-20050114797-\$ or US-20030007018-\$ or US-20050102639-\$ or US-20020060702-\$ or US-20020078143-\$ or US-20040160442-\$ or US-20030005003-\$ or US-20020050996-\$ or US-20040109013-\$ or US-20060010405-\$ or US-20030081016-\$ or US-20030081015-\$ or US-20030001909-\$ or US-20060026521-\$ or US-20030231197-\$).did. or (US-5949408-\$ or US-5917493-\$ or US-7007239-\$ or US-6938220-\$ or US-6956562-\$ or US-6938222-\$ or US-6801190-\$ or US-6938221-\$ or US-6876368-\$ or US-6833827-\$ or US-6356287-\$ or US-6100878-\$ or US-5406307-\$ or US-5903268-\$ or US-5424966-\$ or US-5796397-\$ or US-5677710-\$ or US-5570109-\$ or US-5555369-\$ or US-4782463-\$ or US-6980200-\$ or US-6904570-\$ or US-6882865-\$ or US-6996784-\$ or US-6741235-\$ or US-6714220-\$).did. or (US-6335725-\$ or US-6304261-\$ or US-5627567-\$ or US-5821930-\$ or US-5910802-\$ or US-5757371-\$ or US-5594471-\$ or US-5327161-\$ or US-4839634-\$ or US-5757368-\$ or US-6502114-\$ or US-5453761-\$ or US-5347295-\$ or US-5570113-\$ or US-6903730-\$ or US-6664991-\$ or US-6094197-\$ or US-6262719-\$ or US-6181344-\$ or US-5798758-\$ or US-5760773-\$ or US-5726687-\$ or US-5583543-\$ or US-5523775-\$ or US-5517578-\$ or US-5502803-\$ or US-4680804-\$).did. or (US-5524201-\$ or US-5483261-\$).did.	US-PGPUB; USPAT	OR	ON	2006/03/10 09:06
S29	1	S28 and ((task adj manager) or (file adj manager))	US-PGPUB; USPAT	OR	ON	2006/03/10 11:24
S30	44	S28 and ((task) or (file))	US-PGPUB; USPAT	OR	ON	2006/03/10 09:08
S31	4	S28 and ((task) with (file))	US-PGPUB; USPAT	OR	ON	2006/03/10 09:09
S32	13	S28 and ((task or file) with manage\$4)	US-PGPUB; USPAT	OR	ON	2006/03/10 12:05
S33	0	S28 and ((taskmanage\$4 or filemanage\$4))	US-PGPUB; USPAT	OR	ON	2006/03/10 11:32
S34	0	S28 and ((task-manage\$4 or file-manage\$4))	US-PGPUB; USPAT	OR	ON	2006/03/10 11:33
S35	247	715/864.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/10 11:30
S36	1	S35 and ((task adj manager) or (file adj manager))	US-PGPUB; USPAT	OR	ON	2006/03/10 11:30
S37	0	S35 and ((taskmanage\$4 or filemanage\$4))	US-PGPUB; USPAT	OR	ON	2006/03/10 11:33
S38	0	S35 and ((task-manage\$4 or file-manage\$4))	US-PGPUB; USPAT	OR	ON	2006/03/10 11:33

EAST Search History

S39	18	S35 and ((task or file) with manage\$4)	US-PGPUB; USPAT	OR	ON	2006/03/10 11:33
S40	72	(US-20050229117-\$ or US-20050120312-\$ or US-20050114797-\$ or US-20030007018-\$ or US-20050102639-\$ or US-20020060702-\$ or US-20020078143-\$ or US-20040160442-\$ or US-20030005003-\$ or US-20020050996-\$ or US-20040109013-\$ or US-20060010405-\$ or US-20030081016-\$ or US-20030081015-\$ or US-20030001909-\$ or US-20060026521-\$ or US-20030231197-\$).did. or (US-5949408-\$ or US-5917493-\$ or US-7007239-\$ or US-6938220-\$ or US-6956562-\$ or US-6938222-\$ or US-6801190-\$ or US-6938221-\$ or US-6876368-\$ or US-6833827-\$ or US-6356287-\$ or US-6100878-\$ or US-5406307-\$ or US-5903268-\$ or US-5424966-\$ or US-5796397-\$ or US-5677710-\$ or US-5570109-\$ or US-5555369-\$ or US-4782463-\$ or US-6980200-\$ or US-6904570-\$ or US-6882865-\$ or US-6996784-\$ or US-6741235-\$ or US-6714220-\$).did. or (US-6335725-\$ or US-6304261-\$ or US-5627567-\$ or US-5821930-\$ or US-5910802-\$ or US-5757371-\$ or US-5594471-\$ or US-5327161-\$ or US-4839634-\$ or US-5757368-\$ or US-6502114-\$ or US-5453761-\$ or US-5347295-\$ or US-5570113-\$ or US-6903730-\$ or US-6664991-\$ or US-6094197-\$ or US-6262719-\$ or US-6181344-\$ or US-5798758-\$ or US-5760773-\$ or US-5726687-\$ or US-5583543-\$ or US-5523775-\$ or US-5517578-\$ or US-5502803-\$ or US-4680804-\$).did. or (US-5524201-\$ or US-5483261-\$).did.	US-PGPUB; USPAT	OR	ON	2006/03/10 12:18
S41	13	S40 and ((task or file) with manage\$4)	US-PGPUB; USPAT	OR	ON	2006/03/10 11:33
S42	13	S39 not S41	US-PGPUB; USPAT	OR	ON	2006/03/10 11:34
S43	18	S35 and ((task or file) with manage\$4)	US-PGPUB; USPAT	OR	ON	2006/03/10 12:05
S44	5	S43 not S42	US-PGPUB; USPAT	OR	ON	2006/03/10 12:15
S45	1	S40 and (start adj menu)	US-PGPUB; USPAT	OR	ON	2006/03/10 12:38
S46	32	chew-chee-h.in.	US-PGPUB; USPAT	OR	ON	2006/03/10 12:38
S47	3	("5588105" | "5666438" | "6243071").PN. OR ("6727917").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/10 12:42

EAST Search History

S48	80	(US-20050216867-\$ or US-20060010405-\$ or US-20030001909-\$ or US-20020078143-\$ or US-20030007018-\$ or US-20050229117-\$ or US-20050120312-\$ or US-20050114797-\$ or US-20040160442-\$ or US-20030231197-\$ or US-20030081016-\$ or US-20030081015-\$ or US-20060026521-\$ or US-20020060702-\$ or US-20020050996-\$ or US-20050102639-\$ or US-20040109013-\$ or US-20030005003-\$).did. or (US-6674453-\$ or US-5757371-\$ or US-6996784-\$ or US-7007239-\$ or US-6956562-\$ or US-6938221-\$ or US-6938220-\$ or US-6903730-\$ or US-6882865-\$ or US-6876368-\$ or US-6801190-\$ or US-6980200-\$ or US-6741235-\$ or US-6664991-\$ or US-6938222-\$ or US-6502114-\$ or US-6356287-\$ or US-6335725-\$ or US-6904570-\$ or US-6304261-\$ or US-6262719-\$ or US-6181344-\$ or US-6833827-\$ or US-6100878-\$ or US-6094197-\$ or US-5949408-\$).did. or (US-6714220-\$ or US-5917493-\$ or US-5910802-\$ or US-5903268-\$ or US-5798758-\$ or US-5796397-\$ or US-5760773-\$ or US-5757368-\$ or US-5726687-\$ or US-5677710-\$ or US-5627567-\$ or US-5594471-\$ or US-5583543-\$ or US-5570113-\$ or US-5570109-\$ or US-5555369-\$ or US-5524201-\$ or US-5821930-\$ or US-5523775-\$ or US-5517578-\$ or US-5483261-\$ or US-5453761-\$ or US-5424966-\$ or US-5347295-\$ or US-5327161-\$ or US-4839634-\$ or US-4680804-\$).did. or (US-6072486-\$ or US-5502803-\$ or US-5920316-\$ or US-5680559-\$ or US-5406307-\$ or US-4782463-\$ or US-6727917-\$ or US-6008806-\$ or US-5673406-\$).did.	US-PGPUB; USPAT	OR	ON	2006/03/13 10:16
S49	27	S48 and ((several or multiple or plurality) near2 (application or program or process or window))	US-PGPUB; USPAT	OR	ON	2006/03/13 10:17

EAST Search History

S50	80	(US-20050216867-\$ or US-20060010405-\$ or US-20030001909-\$ or US-20020078143-\$ or US-20030007018-\$ or US-20050229117-\$ or US-20050120312-\$ or US-20050114797-\$ or US-20040160442-\$ or US-20030231197-\$ or US-20030081016-\$ or US-20030081015-\$ or US-20060026521-\$ or US-20020060702-\$ or US-20020050996-\$ or US-20050102639-\$ or US-20040109013-\$ or US-20030005003-\$).did. or (US-6674453-\$ or US-5757371-\$ or US-6996784-\$ or US-7007239-\$ or US-6956562-\$ or US-6938221-\$ or US-6938220-\$ or US-6903730-\$ or US-6882865-\$ or US-6876368-\$ or US-6801190-\$ or US-6980200-\$ or US-6741235-\$ or US-6664991-\$ or US-6938222-\$ or US-6502114-\$ or US-6356287-\$ or US-6335725-\$ or US-6904570-\$ or US-6304261-\$ or US-6262719-\$ or US-6181344-\$ or US-6833827-\$ or US-6100878-\$ or US-6094197-\$ or US-5949408-\$).did. or (US-6714220-\$ or US-5917493-\$ or US-5910802-\$ or US-5903268-\$ or US-5798758-\$ or US-5796397-\$ or US-5760773-\$ or US-5757368-\$ or US-5726687-\$ or US-5677710-\$ or US-5627567-\$ or US-5594471-\$ or US-5583543-\$ or US-5570113-\$ or US-5570109-\$ or US-5555369-\$ or US-5524201-\$ or US-5821930-\$ or US-5523775-\$ or US-5517578-\$ or US-5483261-\$ or US-5453761-\$ or US-5424966-\$ or US-5347295-\$ or US-5327161-\$ or US-4839634-\$ or US-4680804-\$).did. or (US-6072486-\$ or US-5502803-\$ or US-5920316-\$ or US-5680559-\$ or US-5406307-\$ or US-4782463-\$ or US-6727917-\$ or US-6008806-\$ or US-5673406-\$).did.	US-PGPUB; USPAT	OR	ON	2006/03/13 11:55
S51	30	S50 and help	US-PGPUB; USPAT	OR	ON	2006/03/13 12:28
S52	247	715/864.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/13 12:28
S53	67	S52 and help	US-PGPUB; USPAT	OR	ON	2006/03/13 12:53
S54	23811	"715"/\$.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/13 12:53
S55	5557	help near2 (button or menu or icon)	US-PGPUB; USPAT	OR	ON	2006/03/13 12:54
S56	1155	S54 and S55	US-PGPUB; USPAT	OR	ON	2006/03/13 12:54
S57	247	S54 and S52	US-PGPUB; USPAT	OR	ON	2006/03/13 12:54
S58	4116	help adj (button or menu or icon)	US-PGPUB; USPAT	OR	ON	2006/03/13 12:54

EAST Search History

S59	15	S52 and S55	US-PGPUB; USPAT	OR	ON	2006/03/13 12:59
S60	467	S52 ((menu and display) adj area)	US-PGPUB; USPAT	OR	ON	2006/03/13 12:59
S61	247	S60 and S52	US-PGPUB; USPAT	OR	ON	2006/03/13 12:59
S62	106	715/702.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/13 12:59
S63	1	S62 and S61	US-PGPUB; USPAT	OR	ON	2006/03/13 13:01
S64	2	S62 and S55	US-PGPUB; USPAT	OR	ON	2006/03/13 12:59
S65	0	S62 and S58	US-PGPUB; USPAT	OR	ON	2006/03/13 13:01
S66	25	S62 and help	US-PGPUB; USPAT	OR	ON	2006/03/13 14:30
S67	26	S50 and sav\$3	US-PGPUB; USPAT	OR	ON	2006/03/13 15:37
S68	2	S52 and (sav\$3 near2 text)	US-PGPUB; USPAT	OR	ON	2006/03/13 15:45
S69	7	S52 and (sav\$3 with text)	US-PGPUB; USPAT	OR	ON	2006/03/13 15:51
S70	3	S62 and (sav\$3 with text)	US-PGPUB; USPAT	OR	ON	2006/03/13 15:53
S71	41	S54 and (sav\$3 with text with delet\$3)	US-PGPUB; USPAT	OR	ON	2006/03/13 15:54
S72	18	S54 and ((sav\$3 with text with delet\$3) and (phone or telephone or (text adj message)))	US-PGPUB; USPAT	OR	ON	2006/03/13 15:55
S73	176	S54 and ((file adj (menu or button or icon)) with save)	US-PGPUB; USPAT	OR	ON	2006/03/13 16:25
S74	47	S54 and (((file adj (menu or button or icon)) with save) and (telephone or phone or (text adj message)))	US-PGPUB; USPAT	OR	ON	2006/03/13 16:25
S78	1	("6542191").PN.	US-PGPUB; USPAT	OR	OFF	2006/03/13 17:11
S79	1982	(remov\$4 and exchang\$4) same enclosure	US-PGPUB; USPAT	OR	ON	2006/03/13 18:32
S80	5	S54 and S79	US-PGPUB; USPAT	OR	ON	2006/03/13 18:30
S81	0	S80 and (hand or portable or pda)	US-PGPUB; USPAT	OR	ON	2006/03/13 18:31
S82	0	S80 and (handheld or hand-held or portable or pda or phone)	US-PGPUB; USPAT	OR	ON	2006/03/13 18:32
S83	0	S82 and S79	US-PGPUB; USPAT	OR	ON	2006/03/13 18:32
S84	302	S79 and (handheld or hand-held or portable or pda or phone)	US-PGPUB; USPAT	OR	ON	2006/03/13 18:33
S85	916	(remov\$4 and exchang\$4) with enclosure	US-PGPUB; USPAT	OR	ON	2006/03/13 18:38

EAST Search History

S86	126	S85 and (handheld or hand-held or portable or pda or phone)	US-PGPUB; USPAT	OR	ON	2006/03/13 18:39
S87	0	(removable and exchangeable) with enclosure	US-PGPUB; USPAT	OR	ON	2006/03/13 18:39
S88	4927	(removable or exchangeable) with enclosure	US-PGPUB; USPAT	OR	ON	2006/03/13 18:40
S89	1144	S88 and (handheld or hand-held or portable or pda or phone)	US-PGPUB; USPAT	OR	ON	2006/03/13 18:39
S90	182	(removable or exchangeable) with enclosure with (handheld or hand-held or portable or pda or phone or cellphone or telephone)	US-PGPUB; USPAT	OR	ON	2006/03/13 18:40
S91	9	("20010034250" | "5768100" | "6035214" | "6052279" | "6085112" | "6137686" | "6157533" | "6259932" | "6317315").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/13 18:50
S92	120	715/823.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/14 16:44
S93	399	((hard or physical or mechanical) adj (key or button)) with ((soft) adj (button or key))	US-PGPUB; USPAT	OR	ON	2006/03/14 16:46
S94	8	((hard or physical or mechanical) adj (key or button)) with ((soft) adj (button or key)) with (interchang\$4 or instead)	US-PGPUB; USPAT	OR	ON	2006/03/14 16:50
S95	364236	S93 (portable or handheld or hand-held or pda)	US-PGPUB; USPAT	OR	ON	2006/03/14 16:50
S96	399	S93 and S95	US-PGPUB; USPAT	OR	ON	2006/03/14 16:51
S97	114	715/860.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/15 10:39
S98	52	S97 and (speed or fast\$2 or slow\$2)	US-PGPUB; USPAT	OR	ON	2006/03/15 10:56
S99	0	((cursor or pointer or mouse) adj speed with (fast\$2 or slow\$2) with (highlight\$3 or high-light\$3))	US-PGPUB; USPAT	OR	ON	2006/03/15 10:55
S10 0	1	((cursor or pointer or mouse or marker) with speed with (fast\$2 or slow\$2 or low\$2) with (highlight\$3 or high-light\$3))	US-PGPUB; USPAT	OR	ON	2006/03/15 10:56
S10 1	0	715/830.ccls	US-PGPUB; USPAT	OR	ON	2006/03/15 10:56
S10 2	55	715/830.ccls.	US-PGPUB; USPAT	OR	ON	2006/03/15 10:56
S10 3	42	S102 and (speed or fast\$2 or slow\$2 or low\$2)	US-PGPUB; USPAT	OR	ON	2006/03/15 10:57
S10 4	9	("4879648" | "5363481" | "5721847" | "5790115" | "5844560" | "6144378" | "6295057" | "6300967" | "6388686").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/15 12:15
S10 5	106	715/702.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/15 12:16
S10 6	28	S105 and ((cursor or marking or marker or pointer or mouse or stylus or finger) with (speed or low\$2 or slow\$2 or fast\$2))	US-PGPUB; USPAT; USOCR	OR	ON	2006/03/15 12:17

EAST Search History

S10 7	2	goertz-magnus.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT ; IBM_TDB	OR	ON	2006/03/15 16:32
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10315250

PLUS Search Results for S/N 10315250, Searched March 06, 2006

The Patent Linguistics Utility System (PLUS) is a USPTO automated search system for U.S. Patents from 1971 to the present. PLUS is a query-by-example search system which produces a list of patents that are most closely related linguistically to the application searched. This search was prepared by the staff of the Scientific and Technical Information Center, SIRA.

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5978568
5905862
4949248
5367573
5692191
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6035303
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4336458
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In re Patent Application of:

GOERTZ

Serial No. 10/315,250

Filed: December 10, 2002

For: USER INTERFACE



Attention: A Application Branch

Atty. Dkt. 3682-32

Date: March 10, 2003

Assistant Commissioner for Patents
Washington, D.C. 20231The attached completes filing of the above-identified patent application:☒ **Correspondence Address Indication Form Attached.**

- ☒ Signed Rule 63 Declaration alone, ☐ Copy of Declaration from prior application alone, OR
☐ Signed Declaration plus attached copy of originally filed specification/drawings.
☒ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED** form.
☐ Record the attached assignment and return to the undersigned.
☐ Attached is a Power of Attorney.
☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:
- | Application Number | Country | Day/Month/Year Filed |
|--------------------|---------|----------------------|
|--------------------|---------|----------------------|

respectively.

- ☐ Certified copy(ies) of foreign application(s) is/are attached.
☐ Certified copy(ies) filed on _____ in prior application no. _____, filed _____.
☒ Applicant claims "small entity" status. ☐ "Small entity" statement attached.
☐ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee.
☐ Also attached: ☐ **Information Disclosure Statement**; ☐ **Nucleotide and/or Amino Acid Sequence Submission**; ☐ **Other**:

Fees due are calculated below:

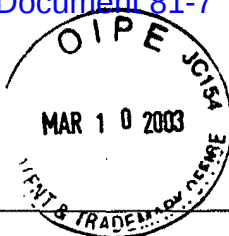
Basic filing fee				\$	750.00
Total Effective claims	18	- 20 =	0	x \$	18.00
Independent claims	1	- 3 =	0	x \$	84.00
If any proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)					\$ 0.00
FILING FEE					\$ 750.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months; \$1450.00/4 months)					
Surcharge (\$130.00) if Declaration or filing fee first now submitted				\$	130.00
English translation of specification and claims (\$130.00)				\$	0.00
FIRST SUBTOTAL					\$ 880.00
If "small entity," enter half (½) of subtotal and subtract					-\$ 440.00
SECOND SUBTOTAL					\$ 440.00
Assignment Recording Fee (\$40.00)				\$	0.00
TOTAL FEE DUE					\$ 440.00
Check enclosed (Pre-Bill)*					\$ 440.00
Check enclosed (non Pre-Bill)*					\$
TOTAL FEE ENCLOSED					\$ 440.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
RGB:alm

NIXON & VANDERHYE P.C.
By Atty: Richard G. Besha, Reg. No. 22,770

Signature: Richard Besha



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/315,250	12/10/2002	Magnus Goertz	3682-32

CONFIRMATION NO. 1226

NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington, VA 22201

FORMALITIES LETTER



OC000000009390646

Date Mailed: 01/16/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$435** for a Small Entity

- \$370 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

03/13/2003 BNGUYEN1 00000018 10315250

01 FC:2001 375.00 OP
02 FC:2051 65.00 OP

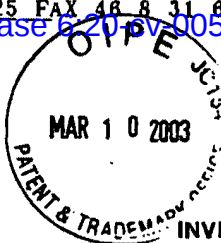
*A copy of this notice **MUST** be returned with the reply.*

Sonniger

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

3682-32
P02-700/UK/MLENixon & Vanderhye P.C. (10/89)
(Domestic Non-Assigned/Foreign) Page 1

RULE 63 (37 C.F.R. 1.63)
INVENTORS DECLARATION FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

USER INTERFACE

the specification of which (check applicable box(es)):

☐ is attached hereto
☒ was filed on December 10, 2002 as U.S. Application Serial No. Unassigned (Atty. Dkt. No. 3682-32)
☐ was filed as PCT International application No. on
 and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):	Country	Day/Month/Year Filed
Application Number		

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number	Date/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below:

Prior U.S./PCT Application(s):	Status: patented
Application Serial No.	Day/Month/Year Filed
	pending, abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby appoint NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively owner's/owners' attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Larry S. Nixon, 25840; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besho, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27383; Leonard C. Mithard, 29009; Duane M. Byers, 33363; Jeffrey H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34778; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoads, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097; Gary R. Tanigawa, 43180. I also authorize Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions directly communicated from the person, assignee, attorney, firm, or other organization sending instructions to Nixon & Vanderhye on behalf of the owner(s).

1.	Inventor's Signature: <u>Magnus</u>	Date: <u>2003-03-05</u>
	Inventor: <u>MI</u> <u>BOERTZ</u> <u>Swedish</u>	(first) (last) (citizenship)
	Residence: (city) <u>Stockholm</u> (state/country) <u>SWEDEN</u>	
	Mailing Address: <u>Engelbrektsgatan 14A, Stockholm, SWEDEN</u>	
	(Zip Code) <u>SE-114 32</u>	
2.	Inventor's Signature: _____	Date: _____
	Inventor: _____	(first) MI (last) (citizenship)
	Residence: (city) _____ (state/country) _____	
	Mailing Address: _____	
	(Zip Code) _____	

[] See attached sheet(s) for additional inventor(s) information!!

Please type a plus sign (+) inside this box



PTO/SB/121 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Washington, DC 20231



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Request for Customer Number (PTO/SB/125) submitted herewith.

in the following listed application(s) or patent(s):

Patent Number (if appropriate)	Application Number	Patent Date (if appropriate)	U.S. Filing Date
	10/315,250		December 10, 2002

Typed or Printed Name	Richard G. Besha	(check one) <input type="checkbox"/> Applicant or Patentee <input type="checkbox"/> Assignee of record of the entire interest. Statement under 37 C.F.R. § 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> Attorney or Agent of record <div style="text-align: right;">22,770 (Reg. No.)</div>
Signature		
Date	March 10, 2003	
Address of signer:	1100 North Glebe Road, 8 th Floor Arlington, VA 22202	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Assistant Commissioner of Patents, Box CN, Washington, DC 20231.



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/315,250	12/10/2002	Magnus Goertz	3682-32

NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington, VA 22201

CONFIRMATION NO. 1226

FORMALITIES LETTER



OC00000009390646

Date Mailed: 01/16/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

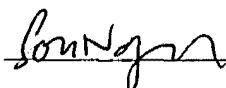
- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$435** for a Small Entity

- **\$370** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.

A copy of this notice MUST be returned with the reply.



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Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Magnus GOERTZ

Atty. Ref.: 3682-32

Serial No. Unassigned

Group:

Filed: December 10, 2002

Examiner:

For: USER INTERFACE

* * * * *

December 10, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT

In order to place the above-identified application in better condition for examination, please amend the application as follows:

IN THE CLAIMS

Please substitute the following amended claim(s) for corresponding claim(s) previously presented. A copy of the amended claim(s) showing current revisions is attached.

9. (Amended) User interface according to Claim 7, characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction, and that the speed of the movement of said marking is lower than the speed of the movement of said object.

[illegible][illegible][illegible][illegible][illegible]

Magnus GOERTZ
Serial No. **Unassigned**

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said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure.

17. (Amended) A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to Claim 1.

Magnus GOERTZ
Serial No. Unassigned

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REMARKS

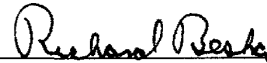
This Preliminary Amendment has been presented to place the claims in condition for allowance.

Attached hereto is a marked-up version of the changes made to the specification and claim(s) by the current amendment. The attached page(s) is captioned "**Version With Markings To Show Changes Made.**"

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Richard G. Besha

Reg. No. 22,770

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Arlington, VA 22201-4714
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Magnus GOERTZ
Serial No. Unassigned

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

9. (Amended) User interface according to Claim 7 [or 8], characterised in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction, and that the speed of the movement of said marking is lower than the speed of the movement of said object.

12. (Amended) User interface according to [any preceding] Claim 1, characterised in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function, service or setting is closed or backed one step by moving said object from the right of said display area to the left of said display area.

13. (Amended) User interface according to [any preceding] Claim 1, characterised in, that said menu area is positioned at the bottom of said touch sensitive area, that said representation of said first function is positioned at the left side of said menu area, that said representation of said second function is positioned at the middle of said menu area, and that said representation of said third function is positioned at the right side of said menu area.

Magnus GOERTZ
Serial No. **Unassigned**

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14. (Amended) User interface according to [any preceding] Claim 1, characterised in, that said user interface is adapted to a touch sensitive area with a size that is in the order of 2-3 inches, and that said user interface is adapted to be operated by one hand, where said object can be a finger, such as the thumb, or a user of said computer unit.

15. (Amended) An enclosure adapted to cover a computer unit, said computer unit being adapted to present a user interface according to [any of Claims] Claim 1 [to 14], characterised in, that said enclosure is provided with an opening for said display area, and that a representation of said menu area is printed on top of said enclosure.

17. (Amended) A computer readable medium, with a computer program product stored therein, characterised in, that said computer program product comprises computer readable code, which, when read by a computer, will make it possible for said computer to present a user interface according to [any of Claims] Claim 1 [to 14].

Since the users have gotten used to small handheld units, it is hard to move towards larger units. This has led to foldable keyboards, different kinds of joy sticks and different kinds of touch sensitive displays and pads intended to help in providing a user interface that is suitable for small handheld compute units.

With the purpose of providing a simple way of managing any application or the operations system, the present invention teaches that if the first function is activated, the display area is adapted to display icons representing services or settings, depending on the current active application. One of the icons always represents a "help"-service, regardless of application. The icons are adapted to represent services or settings of the operations system of said computer unit, such

as background picture, clock, users, help, etc. if no application is currently active on the computer unit.

Selections of preferred service or setting is done by tapping on corresponding icon.

5 With the purpose of providing the access to a text input function in any application in the computer unit, the present invention teaches that when the second function is activated, the display area is adapted to display a keyboard and a text field,

10 If a text passage in an active application is highlighted, then this text passage is displayed in the text field for editing through the keyboard and that the highlighted text passage is replaced by the edited text passage when the second function is deactivated.

If no text passage in an active application is highlighted, then the text field is available for inputting and editing of text through the keyboard.

15 In the case of the latter the first function can be activated, or the second function can be closed, in which a choice of saving or deleting the inputted text is given. The choice of saving the inputted text results in an activation of the first function. In this case the first function will present services or settings available for the inputted text, such as saving the inputted text for later use, using the inputted
20 text as telephone number in a telephone application, or sending the inputted text as message in communications application.

In order to provide a task and file management in a user interface for a handheld mobile computer, the present invention teaches that, if the third function is activated, the display area is adapted to display a list with a library of available
25 applications and files on the computer unit. A selection of an application will start the application, and a selection of a file will open the file in an application intended for the file.

A selection of an application or a file is done by moving the object so that the representation of desired application or file is highlighted, removing the object
30 from the touch sensitive area, and then tapping on the touch sensitive area.

According to the present invention a navigation in the list is performed by moving the object in a direction towards the top of the list or towards the bottom of the list. This will cause the marking to move in the same direction. The speed of

§

Advantages

10

15

The present invention will now be described in more detail with reference to the accompanying drawings, in which

Figure 1 is a schematic and highly simplified view of a touch sensitive area on a mobile handheld computer unit;

20

Figure 3 is a schematic illustration of a first function;

Figure 4 is a schematic side view illustrating the selection of a service or setting represented by an icon;

Figure 5 is a schematic illustration of a second function;

25

Figure 7 is a schematic illustration of an application or file;

Figure 8 is a schematic illustration on how navigation is performed;

30

Figure 10 is a schematic side view further illustrating how navigation is performed:

Figure 11 is a schematic illustration of moving forwards in an application;

Figure 12 is a schematic illustration of moving backwards in, or closing, an application;

Figure 13 is a schematic illustration of an enclosure

Description of embodiments at present preferred

5 Figure 1 illustrates a user interface for a mobile handheld computer unit. The user interface according to the present invention is specifically adapted to computer units comprising a touch sensitive area 1, which is divided into a menu area 2 and a display area 3. It should be understood that there are several different kinds of known touch sensitive displays and that the present invention
10 does not depend on what kind of touch sensitive display that is used in relation to the inventive user interface.

The computer unit is adapted to run several applications simultaneously and to present an active application on top of any other application on the display area 3. It should be understood that by simultaneously it is meant any technology
15 that will make it appear to a user of the computer unit that applications are run simultaneously and that the present invention does not depend on how this is realised, whether it is through time-sharing of one processor, parallel use of several processors, or any other technique.

According to the present invention the menu area 2 is adapted to present
20 a representation of a first 21, a second 22 and a third 23 predefined function.

The first function 21 is a general application dependent function, the second function 22 is a keyboard function, and the third function 23 is a task and file manager.

Figure 2 shows that any one of these three functions 21, 22, 23 can be
25 activated when the touch sensitive area 1 detects a movement of an object 4 with its starting point A within the representation of a function on the menu area 2 and with a direction B from the menu area 2 to the display area 3.

Figure 3 shows that if the first function 21 is activated, then the display area 3 is adapted to display icons 211, 212, 213, 214, 215, 216 representing
30 services or functions depending on the current active application. One of the icons, in the figure exemplified by icon 211, always represents a "help"-service, regardless of application. Any key that, because of lack of space on the display area, or because the key should be hidden from the active application, or because

of any other reason is not shown on the display area of an active application, can be represented by one of the icons 212, 213, 214, 215, 216 that is shown when the first function 21 is activated.

If for instance the active application handles a picture, then the icons that are shown when the first function is activated can be services such as "save to disk", "send as SMS", or "delete" and they can be settings such as "resolution", "colour", or "brightness".

If no application is currently active on the computer unit, then the icons 211, 212, 213, 214, 215, 216 are adapted to represent services or settings of the operations system of the computer unit, such as background picture, clock, alarm 10 215, users 213, help 211, etc.

Figure 4 shows that selection of a preferred service or setting is done by tapping C, D on corresponding icon 213.

Figure 5 shows that if the second function 22 is activated, then the display
15 area 3 is adapted to display a keyboard 221 and a text field 222.

Two different scenarios can be at hand when this function key is activated. A first scenario can be that a text passage in the active application is highlighted as the second function is activated. If this is the case then the highlighted text passage is displayed in the text field 222 for editing through the keyboard 221.

The highlighted text passage is replaced by the edited text passage when the second function 21 is deactivated.

A second scenario can be that no text passage in the active application is highlighted. If this is the case then the text field 222 is available for inputting and editing of text through the keyboard 221.

In the case of the latter scenario, the first function 21 can be activated, or the second function 22 can be closed. If the second function 22 is closed then a choice of saving or deleting the inputted text is given, where the choice of saving the inputted text results in an activation of the first function 21.

30 As the first function 21 is activated with the second function 22 as currently active application the first function 21 will present services or settings available for the inputted text, such as saving the inputted text for later use, using the inputted text as telephone number in a telephone application, or sending the inputted text as message in communications application, such as e-mail, SMS, or fax.

Figure 6 shows that if the third function 23 is activated, then the display area 3 is adapted to display a list 231 with a library of available applications and files on the computer unit.

A selection of an application will start the application, and a selection of a
5 file will open the file in an application intended for the file. The name of a selected file can be edited by activation of the second function 22 as the file is highlighted.

Figure 7 shows that a selection of an application or a file is done by moving E the object 4 so that the representation of desired application or file is highlighted, removing F the object 4 from the touch sensitive area 1, and then
10 tapping G, H on the touch sensitive area 1.

An application or file is highlighted by placing some kind of marking 232 on the representation of the application or file. This marking can be done in different ways, for example by putting a frame around the representation of the application or file, as shown in the figure, or by inverting the representation of the application
15 or file.

It should be understood that all lists in the computer unit, such as a list of contact information in an address book, a list of e-mail messages in a mailbox, or a telephone log, can be managed in the above described manner.

The list 231 can be adapted to present only files or only applications. In
20 this case, the top area of the list 231 can present a field 233 through which the content of the list 231 can be altered. If the list only presents files, then the field 233 can display a representation of a task manager and a selection of the field 233 will cause the list 231 to alter to present only applications, and if the list 231 only presents applications, then the field 233 displays a representation of a file
25 manager and a selection of the field 233 will cause the list 231 to alter and present only files.

Figure 8 shows that navigation in the list is performed by moving the object 4 in a direction I towards the top 231a of the list 231 or towards J the bottom 231b of the list 231. This movement I, J of the object 4 will cause the marking 232
30 to move K, L in the same direction. The speed of the movement K, L of the marking 232 is lower than the speed of the movement I, J of the object 4.

Figure 9 shows that if the number of applications and/or files in the list 231 exceeds the number of applications and/or files that can be presented on the display area 3, and if the object 4 is moved to the top or bottom position of the

display area, then lifted, replaced on the display area, and then again moved to the top or bottom of the display area, then the content of the display area will be replaced one whole page, meaning that if the object 4 is positioned N at the bottom 3b of the display area 3, then lifted, replaced on the display area 3, and then again moved M to the bottom 3b of the display area 3, then the content 31 of the display area 3 will be replaced P by the following applications and/or files 32 in the list 231. In the same way, but not shown in the figure, if the object is position at the top of the display area, then lifted, replaced on the display area 3, and then again moved to the top of the display area, the content of the display area will be replaced by the preceding applications and/or files in the list.

Figure 10 shows that if the object 4 is removed Q from a first position 33 on the display area 3 and then replaced R, S on a second position 34 on the display area 3, then the navigation can be continued T from the second position 34.

Figure 11 shows that moving U the object 4 from the left of the display area 3 to the right of the display area 3 moves the active application, function, service or setting on one step forwards. Figure 12 shows that, in a similar manner, the active application, function, service or setting is closed or backed one step by moving V the object 4 from the right of the display area 3 to the left of the display area 3.

As shown in figure 1, the menu area 2 is positioned at the bottom of the touch sensitive area 1. The representation of the first function 21 is positioned at the left side of the menu area 2, the representation of the second function 22 is positioned at the middle of the menu area 2, and the representation of the third function 23 is positioned at the right side of the menu area 2.

As shown in figure 13, the present invention relates to a user interface for a hand held mobile unit that preferably can be manageable with one hand. Hence the present invention teaches that the user interface is adapted to a touch sensitive area 1 with a size that is in the order of 2-3 inches, meaning the diagonal distance W between two corners of the touch sensitive area 1.

The user interface is adapted to be operated by one hand, where the object 4 can be a finger, such as the thumb shown in the figures, of a user of the computer unit. It should be understood though that the present invention might also be used with another object, such as a pen or other pointing device.

According to one preferred embodiment of the present invention the computer unit is covered with an enclosure 5, which is provided with an opening 51 for the display area 3, and where the representations of the menu area 2 is printed on top of the enclosure 5. It should be understood that the opening 51 might be a transparent part of the enclosure 5 or that it might be an open aperture depending on among other things technical considerations pertaining to the touch sensitive area 1.

This makes it possible to allow the enclosure 5 to be removable and exchangeable.

Figure 14 shows a computer readable medium, in the figure schematically shown as a solid-state memory 61. A computer program product is stored within the computer readable medium. This computer program product comprises computer readable code 62, which, when read by a computer 6, will make it possible for the computer 6 to present a user interface according to the present invention.

The present invention also teaches that the computer program product is adapted to function as a shell upon an operations system.

It will be understood that the invention is not restricted to the aforescribed and illustrated exemplifying embodiments thereof, and that these embodiments can be modified within the scope of the inventive concept illustrated in the accompanying Claims.

CLAIMS

1. User interface for a mobile handheld computer unit, where said computer unit comprises a touch sensitive area, which touch sensitive area is divided into a menu area and a display area, where said computer unit is adapted to run several applications simultaneously, and to present an active application on top of any other application on said display area, **characterised** in, that said menu area is adapted to present a representation of a first, a second and a third predefined function, that said first function is a general application dependent function, that said second function is a keyboard function, that said third function is a task and file manager, and that any one of said three functions can be activated when said touch sensitive area detects a movement of an object with its starting point within the representation of said function on said menu area and with a direction from said menu area to said display area.
2. User interface according to Claim 1, **characterised** in, that, if said first function is activated, said display area is adapted to display icons representing different services or settings depending on the current active application, that one of said icons always represents a "help"-service, regardless of application, and that, if no application is currently active on said computer unit, said icons are adapted to represent services or settings of the operations system of said computer unit, such as background picture, clock, users, help, etc.
3. User interface according to Claim 2, **characterised** in, that that a selection of a preferred service or setting is done tapping on corresponding icon.
4. User interface according to Claim 1, **characterised** in, that, if said second function is activated, said display area is adapted to display a keyboard and a text field,
- that, if a text passage in said active application is highlighted, said text passage is displayed in said text field for editing through said keyboard and that said highlighted text passage is replaced by said edited text passage when said second function is deactivated, and

- that, if no text passage in said active application is highlighted, said text field is available for inputting and editing of text through said keyboard.

5. User interface according to Claim 4, **characterised** in, that if no text passage in said active application is highlighted, and said text field is used for inputting and editing of text through said keyboard, then

- said first function can be activated, or
- said second function can be closed, in which a choice of saving or deleting said inputted text is given, where the choice of saving said inputted text results in an activation of said first function,

in which said first function will present services or settings available for said inputted text, such as saving said inputted text for later use, using said inputted text as telephone number in a telephone application, or sending said inputted text as message in communications application.

15

6. User interface according to Claim 1, **characterised** in, that, if said third function is activated, said display area is adapted to display a list with a library of available applications and files on said computer unit, that a selection of an application will start said application, and that a selection of a file will open said file

20 in an application intended for said file.

7. User interface according to Claim 6, characterised in, that a selection of an application or a file is done by moving said object so that the representation of desired application or file is highlighted, removing said object from said touch sensitive area, and then tapping on said touch sensitive area, and that an application or file is highlighted by placing some kind of marking on the representation of said application or file, such as positioning a frame around the representation of said application or file or inverting the representation of said application or file.

8. User interface according to Claim 7, **characterised** in, that said list is adapted to present only said files or only said applications, that the top area of said list presents a field through which the content if said list can be altered, that, if said list only presents files, said field displays a representation of a task manager

and a selection of said field will cause said list to alter to present only applications, and that, if said list only presents applications, said field displays a representation of a file manager and a selection of said field will cause said list to alter and present only files.

5

9. User interface according to Claim 7 or 8, **characterised** in, that, a navigation in said list is performed by moving said object in a direction towards the top of said list or towards the bottom of said list, that the movement of said object will cause said marking to move in the same direction, and that the speed of the
10 movement of said marking is lower than the speed of the movement of said object.

10. User interface according to Claim 9, **characterised** in, that, if the number of applications and/or files in said list exceeds the number of applications and files that can be presented on said display area, and if said object is moved to the top
15 or bottom position of said display area, then lifted, replaced on said display area, and again moved to the top or bottom of said display area, the content of said display area will be replaced one whole page, meaning that if said object is position at the bottom of said display area, then lifted, replaced on said display area, and then again moved to the bottom of said display area, the content of said
20 display area will be replaced by the following applications and/or files in said list, and if said object is position at the top of said display area, then lifted, replaced on said display area, and then again moved to the top of said display area, the content of said display area will be replaced by the preceding applications and/or files in said list.

25

11. User interface according to Claim 10, **characterised** in, that if said object is removed from a first position on said display area and then replaced on a second position on said display area, said navigation can be continued from said second position.

30

12. User interface according to any preceding Claim, **characterised** in, that an active application, function, service or setting is moved on one step by moving said object from the left of said display area to the right of said display area, and that the active application, function service or setting is closed or backed one step

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ABSTRACT

The present invention relates to a user interface for a mobile handheld computer unit, which computer unit comprises a touch sensitive area (1), which is divided into a menu area (2) and a display area (3). The computer unit is adapted to run several applications simultaneously and to present an active application on top of any other application on the display area (3). The menu area (2) is adapted to present a representation of a first (21), a second (22) and a third predefined (23) function. The first function (21) is a general application dependent function, the second function (22) is a keyboard function, and the third function (23) is a task and file manager. Any one of these three functions can be activated when the touch sensitive area (1) detects a movement of an object with its starting point within the representation of the function on the menu area (2) and with a direction from the menu area (2) to the display area (3).

15

(Fig. 1)

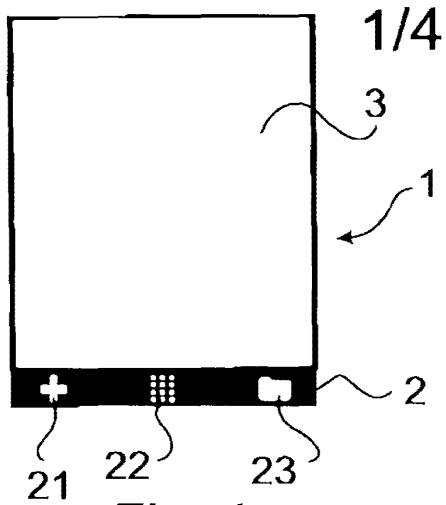


Fig. 1.

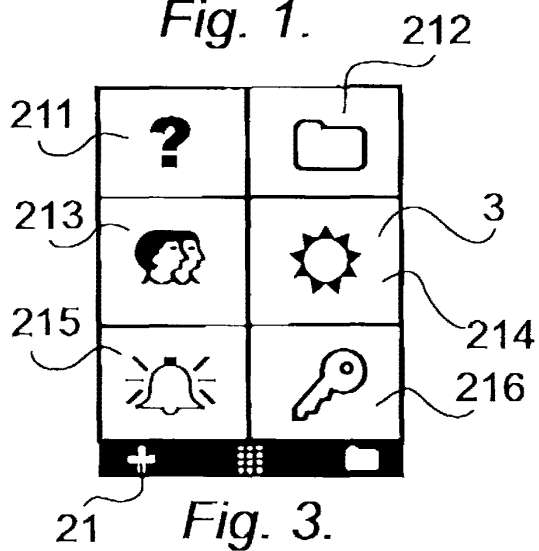


Fig. 3.

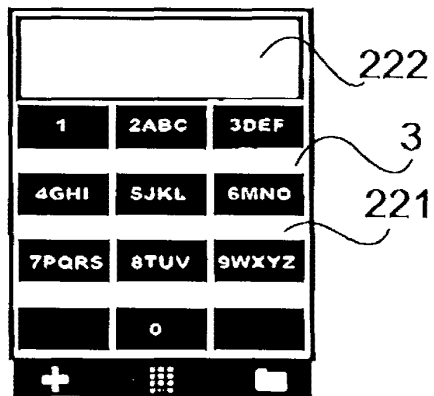


Fig. 5. 22

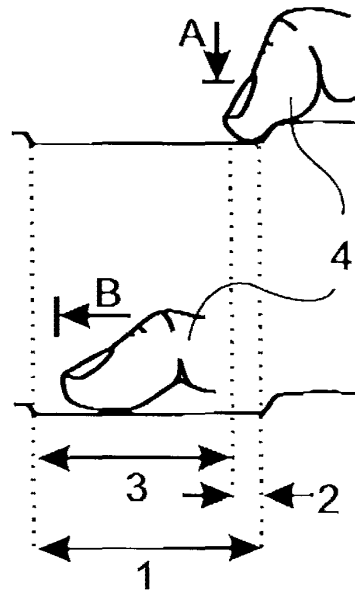


Fig. 2.

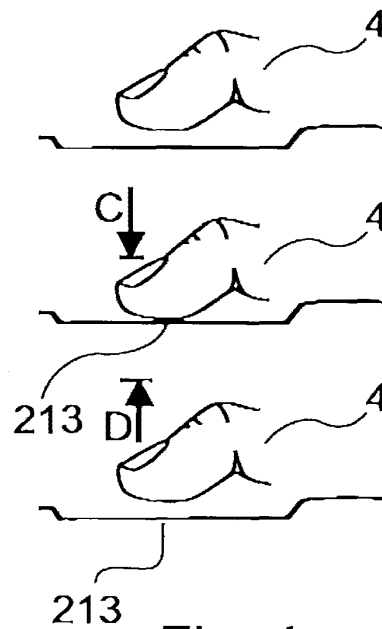


Fig. 4.

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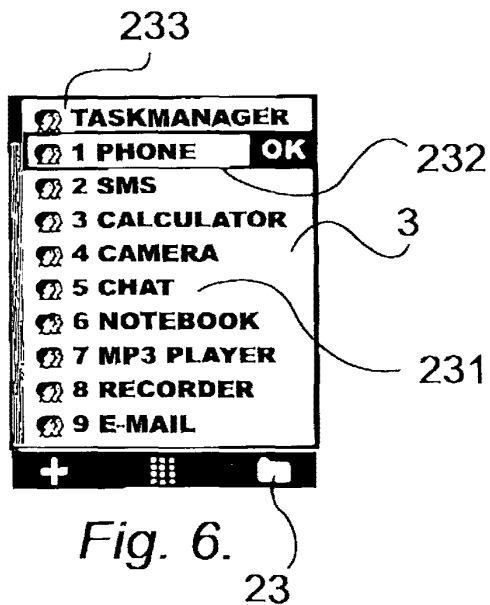


Fig. 6.

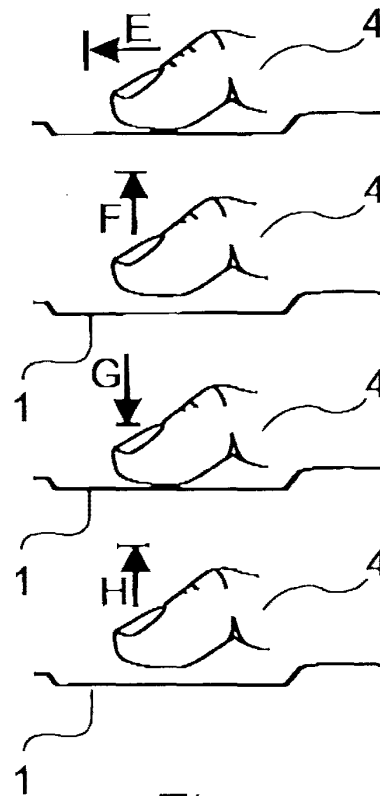


Fig. 7.

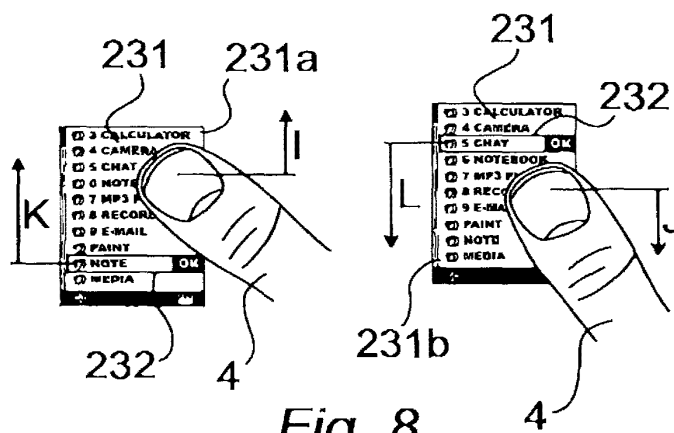
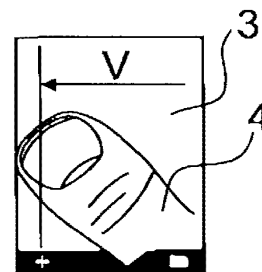
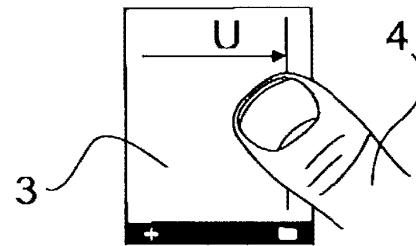
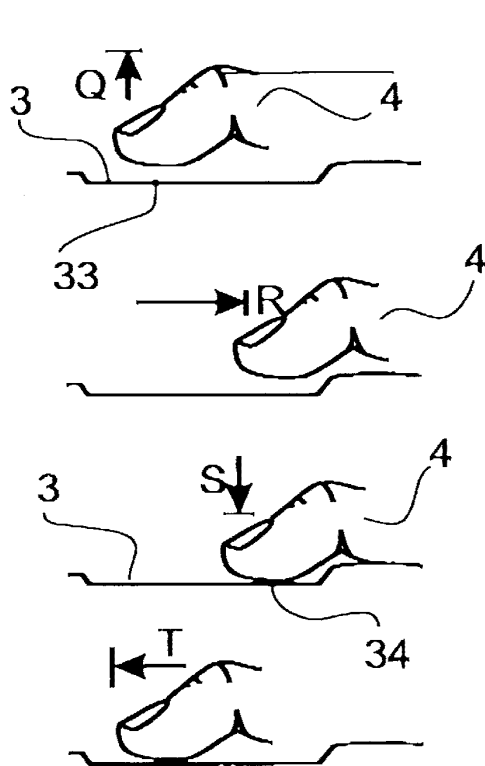
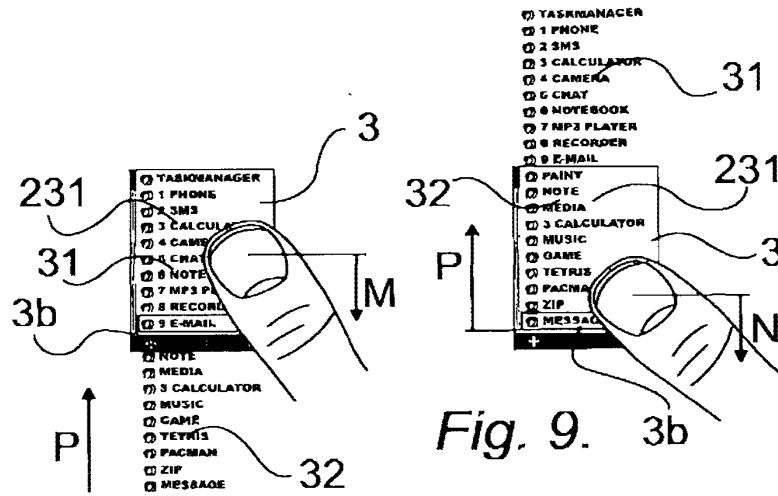


Fig. 8.

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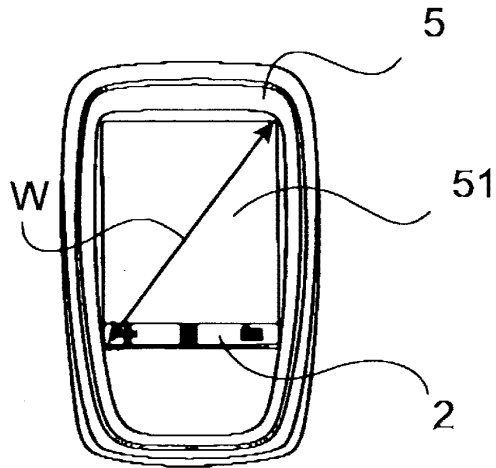


Fig. 13.

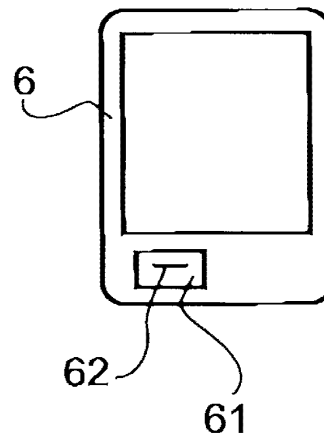


Fig. 14.

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PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2001

Application or Docket Number

10315250

CLAIMS AS FILED - PART I

(Column 1)

(Column 2)

TOTAL CLAIMS	18	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	18 minus 20= *	
INDEPENDENT CLAIMS	1 minus 3 = *	
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY
TYPE ☐OR OTHER THAN
SMALL ENTITY

RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL		OR	TOTAL	

CLAIMS AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**
	Independent	*	Minus	***
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY

OR OTHER THAN
SMALL ENTITY

RATE	ADDI- TIONAL FEE		RATE	ADDI- TIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**
	Independent	*	Minus	***
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDI- TIONAL FEE		RATE	ADDI- TIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**
	Independent	*	Minus	***
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RATE	ADDI- TIONAL FEE		RATE	ADDI- TIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

***If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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MULTIPLE DEPENDENT CLAIM FEE CALCULATION SHEET (FOR USE WITH FORM PTO-875)						SERIAL NO. 10315250		FILING DATE 12/10/02			
						APPLICANT(S)					
CLAIMS											
AS FILED		AFTER 1st AMENDMENT		AFTER 2nd AMENDMENT							
IND.	DEP.	IND.	DEP.	IND.	DEP.	IND.	DEP.	IND.	DEP.	IND.	DEP.
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TOTAL DEP.											
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